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Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure

Third periodic reports of States parties due in 2013

Croatia*, **

[8 January 2014]

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** Annexes can be consulted in the files of the secretariat.

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Reply to issue no. 1

1. The Republic of Croatia is continuously upgrading its legislative and institutional framework in the field of human rights protection and promotion by adopting new legislation and subordinate legislation, national strategies, programmes and plans, and by implementing various EU-funded projects.

2. In the period 2008–2011, progress was made in certain priority fields with the adoption of the Anti-Discrimination Act, the Free Legal Aid Act, the new Gender Equality Act, the Act on National Preventive Mechanism Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. In the reporting period, significant advances were achieved with regard to strengthening the institution of the ombudsman and other specialized ombudsman institutions. Amendments to the Constitution of the Republic of Croatia in 2010 and the adoption of the new Ombudsman Act in 2012 created the foundation for strengthening the institution of the ombudsman with the aim of promoting and protecting human rights and protecting citizens from unlawful and irregular activities of State bodies. The constitutional amendments expanded the competence of the ombudsman from protecting to promoting human rights and liberties and they introduced the possibility to entrust the ombudsman, by law, with certain authorities regarding legal entities and natural persons, all with the aim of protecting fundamental constitutional rights.

4. The new Ombudsman Act strengthened the coordination between the ombudsman and special ombudsmen (ombudsman for gender equality, ombudsman for persons with disabilities and ombudsman for children). The legislative provisions are aimed at strengthening the institution through an improved appointment procedure and extended authorities, including authorities towards the courts, and by regulating the actions of the ombudsman. Furthermore, on the basis of new legislative provisions, the ombudsman issues recommendations to State administration bodies with the aim to improve the human rights protection system, monitors compliance with the said recommendations and the influence the reports exert on human rights protection standards. Pursuant to the Act on a National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that came into force in February 2011, the ombudsman performs the activities of the National Preventive Mechanism.

5. Moreover, the human rights protection system was improved with additional institutional mechanisms by the establishment of the Human Rights Committee (an interdepartmental body whose activities are coordinated by the Croatian Government's Office for Human Rights and Rights of National Minorities), county human rights coordinating bodies, gender equality coordinators at State administration bodies and county gender equality committees. The National Committee for Education for Human Rights and Democratic Citizenship was re-established in 2010.

6. In April 2013, the Government enacted the Decree on the Office for Human Rights and Rights of National Minorities, by the force of which the existing Office for Human Rights and the Office for National Minorities were merged into the Office for Human Rights and Rights of National Minorities, responsible for monitoring the recommendations from the ombudsman's annual reports and drawing up reports on the activities undertaken as a result of the ombudsman's recommendations.

7. In April 2013, the Government adopted the National Programme for Protection and Promotion of Human Rights for the Period of 2013–2016. The document is an extension of the first National Programme for Protection and Promotion of Human Rights 2008–2011, adopted by the Government in 2007, whereby the Republic of Croatia accepted the

recommendation of the Vienna Declaration (1993) for designing a national action plan and implementation measures for human rights protection, as well as activities promoting human rights.

8. The National Programme is a strategic document with which the Government, based on the analysis of the current status, sets priorities, proposes measures and directs its efforts towards improving the protection and promotion of human rights in the Republic of Croatia. The aims of the National Programme are to protect, promote and improve human rights in the Republic of Croatia and raise public awareness of the importance of knowing and realizing human rights. The National Programme covers the protection and promotion of human rights on all levels: local, national, regional and international. It systematically approaches human rights protection and promotion through objectives and measures that the competent State administration bodies will implement in the four-year period.

9. The following were set as National Programme priority areas: gender equality; fighting racial and other types of discrimination; building an anti-discrimination environment; missing persons in the Republic of Croatia; rights of active participants and victims of the Homeland War; rights of national minorities; right to free legal aid; right to access information; right to the protection of personal information; religious rights and freedoms; freedom of the press; protecting the rights and dignities of workers; special family protection; protecting the rights of children; protecting the rights of the youth; the human rights of particularly vulnerable groups of citizens: protecting the rights of persons with disabilities, persons with mental disorders and/or intellectual difficulties, persons of advanced age, the homeless, drug addicts, HIV-positive persons, persons deprived of freedom, victim/witness protection; the rights of asylum seekers, persons granted asylum and persons under subsidiary protection; gender minorities; the right to healthy living and a healthy environment; fighting corruption; fighting people trafficking; safety and human rights; education for human rights and democratic education; and human rights in the educational system. Furthermore, the National Programme creates the conditions for quality cooperation with civil society organizations in the field of human rights protection and promotion.

10. With the amendments to the Asylum Act of 2010, the Republic of Croatia improved the rights protection system for asylum seekers, persons granted asylum and persons under subsidiary protection, whereby the asylum system in Republic of Croatia was fully harmonised with the *acquis communautaire*. Some of the rights awarded to persons granted protection were expanded, with their status being recognized in the Republic of Croatia. The scope of their right to health care, education and work, as well as their right to free legal aid, was also expanded. Special emphasis was put on their integration into Croatian society, which is simultaneously one of their most important rights and one of the hardest tasks.

11. To aid in achieving that objective, within the framework of the Migration Policy for the Period 2013–2015, the Republic of Croatia established the Standing Committee for the Implementation of the Integration of Foreigners into Croatian Society. The Committee's working group, whose purpose is the operational implementation of tasks, drafted the Proposal of the Action Plan for the Removal of Obstacles in Realizing Individual Rights in the Integration of Foreigners for the Period 2013–2015. Due to the particular situation of asylum seekers, persons granted asylum and foreigners under subsidiary protection, most of the Action Plan measures are aimed towards regulating the position and integrating the aforementioned categories of foreigners. In order to ensure successful integration of foreigners into Croatian society, the Action Plan also lays down measures for the prevention of and fight against discriminatory actions and treatment of foreigners. Furthermore, with the aim of achieving the most effective integration of foreigners into Croatian society, the Plan defines measures that encourage the cooperation of State bodies

with civil society organizations operating in the field of human rights protection and promotion, social partners, the private sector and the media.

12. The adoption of the Anti-Discrimination Act, which came into force on 1 September 2009, is highlighted as an important legislative action. This gave the Republic of Croatia a comprehensive Act which uniformly legislates for the problem of fighting discrimination, since previously several regulations included anti-discrimination provisions in their contents. The adoption of the Act enabled citizens to appropriately protect their right to equal opportunities, should they find it had been violated. Protection was made possible in a wide spectrum of areas and the Act laid down special procedural provisions with the aim of providing judicial protection to discrimination victims. An umbrella anti-discrimination body was established for the first time in the Republic of Croatia and its activities are performed by the ombudsman who is competent for the monitoring of all activities related to fighting discrimination in the Republic of Croatia. Finally, the adoption of the Act greatly improved anti-discrimination practices in the Republic of Croatia.

13. Within the framework of the project "Support for the implementation of the Anti-Discrimination Act", co-financed by the European Commission through the PROGRESS programme, the Office for Human Rights and Rights of National Minorities published the *Guide to the Anti-Discrimination Act* in 2009.

14. The improvements in anti-discrimination practice are also evident in the continuous education of the professional public: State body officials, county coordinators for human rights and gender equality, judges, State attorneys, the police and the representatives of civil society organizations operating in the field of human rights protection and promotion. Furthermore, the promotion of anti-discrimination and raising awareness of the general public about the harmful consequences of discrimination are being systematically implemented through various regional and national campaigns, especially within the framework of project activities.

15. In regard to fighting discrimination, it should be pointed out that the new Criminal Code, which came into force on 1 January 2013, introduces new bases for discrimination related to the criminal offence of violating equality and harmonizes them with the constitutional bases and the bases laid down in the Anti-Discrimination Act. The Criminal Code defines hate crime as a criminal offence perpetrated on the grounds of race, skin colour, religious affiliation, national or ethnic origin, sexual orientation or the gender identity of another person. That harmonized the definition of hate crime with the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. Moreover, hate crime is considered to be an aggravating circumstance of a criminal offence, regulated with harsher sentences.

16. On 2 April 2011, the Government adopted the Rules of Procedure in Hate Crime Cases. The aim of the Rules is to ensure the conditions for efficient and thorough work of the competent authorities in order to improve the resulting monitoring system for hate crime proceedings. The Rules lay down the requirements for competent authorities participating in discovering, prosecuting and monitoring the results of hate crime proceedings and they define the method and type of cooperation between competent authorities. The Rules also regulate gathering statistical monitoring results for hate-motivated criminal offences and misdemeanours.

17. The Free Legal Aid Act was adopted with the aim of facilitating the provision of legal aid to the economically and socially disadvantaged categories of citizens and came into force on 1 February 2009. The Act on the Amendments to the Free Legal Aid Act came into force on 15 July 2011, pursuant to the Decision of the Constitutional Court of the Republic of Croatia, number U-I-722/2009 of 6 April 2011.

18. Based on analyses of legislative provisions, the current status of free legal aid and the financial data on the funds spent on the direct financing of free legal aid, it was established that the existing free legal aid system could be improved from the viewpoint of the target groups for which it is intended and especially from the viewpoint of the needs of socially disadvantaged persons for legal information and counselling (the so-called primary legal aid).

19. A proposal for a new Free Legal Aid Act was drafted in February 2013. After public discussion with the interested public in June 2013, the proposal of the Act was adopted after its first reading in the Croatian Parliament and the final proposal of the Act is currently being drafted.

20. Tangible progress was made in introducing human rights education to all levels and types of education in the last period. In April 2010, the Government established the National Committee for Education for Human Rights and Democratic Citizenship. The Committee is systematically working on ensuring the implementation of education for human rights and democratic citizenship on all levels, including educational programmes for minorities, religious education programmes, youth resettlement programmes and adult education programmes.

21. Education for human rights and democratic citizenship is an integral part of numerous strategy and development documents of the highest importance for the Republic of Croatia, as well as of legislation governing education.

22. A large number of national strategic documents which were in force during the reporting period and which, among other things, include the aforementioned documents, include measures related to the professional training of civil servants on human rights. Numerous professional training courses have also been implemented within the framework of EU-funded projects and programmes, as part of the "building institutional capacities" component. For example, the information and training of the representatives of institutions directly or indirectly involved in the implementation of the Anti-Discrimination Act were implemented within the framework of the IPA 2009 programme "Establishing a comprehensive system for anti-discrimination protection", which was implemented by the Office for Human Rights and Rights of National Minorities of the Government in partnership with the Office of the Ombudsman. Project implementation started in 2012. In cooperation with the Judicial Academy, professional training on the European and Croatian legislative framework for the fight against discrimination was held for judges and State attorneys in Zagreb and Split.

23. With the aim of ensuring the most efficient implementation of the Constitutional Act on the Rights of National Minorities, in the previous period the Government adopted two action plans for the implementation of the Constitutional Act on the Rights of National Minorities: the first one in October 2009 and the second one in April 2011. The 2011 Action Plan was adopted for the period from 2011 to 2013 and was drawn up in accordance with the recommendations of the EU joint position paper, chapter 23 (Accession Convention). The Plan lays down measures aimed at further strengthening the protection of national minorities, especially in areas that were found to be lacking. To that effect, measures that have been significantly expanded in comparison with the previous Action Plan were established and specific objectives were set, the realization of which is planned for the period 2011–2013. An integral part of the Action Plan are the report forms for the number of national minority members employed in administrative bodies at national and local level and in judicial bodies. In accordance with article 22 of the Constitutional Act, that enables regular and continuous evaluation of the representation of national minorities in administrative bodies.

24. In March 2013, the Ministry of Justice published the text of the International Covenant on Civil and Political Rights on its official website, together with the Optional Protocol and the Second Optional Protocol, aiming at the abolition of the death penalty.

25. In addition to a brief description of the document, the Ministry of Justice also published all relevant reports of the Republic of Croatia about the implementation of the Covenant, the conclusions and comments of the Human Rights Committee and the previously submitted replies of the Republic of Croatia to the issues raised.

Reply to issue no. 2

26. The Human Rights Committee was founded by a Decision of the Government of 26 November 2012. The previous Committee was an interdepartmental body at the level of the Government. However, in view of the new reorganization of State administration bodies, in accordance with the Act on the Organization and Competences of Ministries and Other Central State Administration Bodies and the Act on the Government of the Republic of Croatia, it was necessary to uphold a new Decision on establishing the Human Rights Committee in order for it to be harmonized with the provisions of the aforementioned acts. When the new Decision was upheld, the Committee became an interdepartmental body within the Office for Human Rights and Rights of National Minorities. The Committee, whose members are representatives of ministries, government offices and civil society organizations, monitored the implementation of the National Plan for the Fight against Discrimination, 2008–2013, while it currently monitors the implementation of the National Plan for the Protection and Promotion of Human Rights, 2013–2016, and indicates the problems and potential challenges of legislative provisions.

27. The Government adopted several action plans for the implementation of the measures laid down in the National Plan for the Fight against Discrimination, 2008–2013, and the most recent action plan was adopted for the period 2011–2013. The Action Plan for the Implementation of the National Plan for the Fight against Discrimination, 2011–2013, covers several chapters: family and social welfare, education, labour and employment, health care, national minorities, providing protection for foreigners, fighting and penalizing discriminatory actions, compiling statistical data, and tolerance and fighting discrimination through the media and civil society.

28. With regard to national minorities, the Action Plan is aimed at developing positive policies towards national minorities through activities, campaigns and education, with the objective of efficiently implementing the Constitutional Act on the Rights of National Minorities; providing the Roma with the education and training necessary to participate in the decision-making process and achieve human rights; increasing the employment of members of national minorities at the national and local level; and resolving the issue of refugees who are members of the Serbian national minority.

29. In the field of penalizing discrimination and anti-discrimination legislation, the Action Plan is aimed at achieving international standards in the professional training of police and judiciary officials in proceedings related to discrimination and hate crime cases; establishing a consolidated database related to discrimination and hate crimes; informing the public about anti-discrimination legislation; and establishing a comprehensive legal aid system.

30. With the aim of ensuring the right of all social groups to participate in administrative bodies and services and of ensuring the realization of individual rights of particularly vulnerable social groups, one of the objectives of the Action Plan measures is to gather statistical data on citizens' realization of their rights in accordance with special legislation governing the equal rights to participate in all social activities.

31. In the field of promoting tolerance and fighting discrimination through the media and civil society, the objective of the Action Plan is to promote tolerance and fight all types of discrimination by informing the public, through the media and civil society organizations, of the availability of documents related to the protection of the rights of particularly vulnerable social groups.

32. According to the report of the Office for Human Rights and Rights of National Minorities on the implementation of the Action Plan for the Implementation of the National Plan for the Fight against Discrimination 2011–2012, activities that contribute to the improvement of the system for the fight against discrimination have been implemented or are continuously being implemented in all fields of activities.

33. In accordance with the Decree on the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, the Office for Human Rights and Rights of National Minorities is the competent authority for monitoring the recommendations from the ombudsman's annual reports and drawing up reports on the activities undertaken as a result of the ombudsman's recommendations.

34. Reporting on the implementation of the recommendations from the ombudsman's annual reports is a measure aimed at strengthening the institution of the ombudsman and, indirectly, at strengthening the human rights protection and promotion system. In the previous period the Office for Human Rights and Rights of National Minorities has published two reports.

35. Consequently, on 26 July 2012 the Government adopted the report on the activities undertaken as a result of the recommendations of the Ombudsman specified in the report on the activities of the Ombudsman for 2010 (and in the report on the instances of discrimination for 2010), while on 24 May 2013, the Government adopted the report on the activities undertaken as a result of the recommendations of the Ombudsman specified in the report on the activities of the Ombudsman for 2011 (and in the report on the instances of discrimination for 2011).

36. In order to implement the Constitutional Act on the Rights of National Minorities, the State budget allocated a total of HRK 157,236,507.75 in 2009, HRK 139,899,067.65 in 2010, HRK 142,728,834.65 in 2011 and HRK 133,498,918.68 in 2012. With the objective of building the trust of citizens through dialogue with the system institutions, funds amounting to HRK 4,500,000 were allocated from the State budget of the Republic of Croatia for 2011, 2012 and 2013 for the activities of the Joint Council of Municipalities in Vukovar, an association of the Serbian national minority that aligns the interests of the Serbian national minority in the Vukovar-Srijem and Osijek-Baranja counties.

37. An additional HRK 10,200,000 was allocated from the State budget in 2013 for the activities, programme implementation and institution building of the following: the Serbian national minority (Serbian National Council - coordination of the Serbian national minority council, Zagreb, HRK 7,500,000), the Roma national minority (Roma National Council, Zagreb, HRK 1,500,000), and the Hungarian national minority (Council of Hungarian Associations, Beli Manastir, HRK 1,200,000).

Reply to issue no. 3

38. As soon as the concluding observations of the Human Rights Committee (CCPR/C/HRV/CO/2) were received by the Republic of Croatia, they were translated into Croatian and published on the website of the Ministry of Justice. Moreover, the observations were sent to all bodies that participated in the activities of the delegation of the Republic of Croatia that presented the second periodic report on the International Covenant on Civil and

Political Rights, with a request for replies with potential comments. In addition to the request, special emphasis was given to the requirement of the Republic of Croatia to submit, within one year, relevant information on the implementation of the Committee's concluding observations from paragraphs 5 (discrimination against national minorities), 10 (prosecution of war crimes) and 17 (prosecution of threats to journalists). The Ministry of Justice, in cooperation with the competent institutions, compiled the comments on the aforementioned paragraphs and submitted them to the Human Rights Committee in October 2010.

39. Moreover, in June 2011 and February 2012, the Republic of Croatia submitted its replies to the additional requests for information on the implementation of the Committee's concluding observations to the Human Rights Committee, in accordance with paragraphs 5, 10, and 17.

Reply to issue no. 4

40. In the case of *Paraga vs. the Republic of Croatia*, judicial proceedings were held at the municipal civil court in Zagreb under the reference number Pn-3686/01 in the legal matter of the plaintiff Dobroslav Paraga versus the defendant, the Republic of Croatia, for compensation for unlawful arrest and unfounded criminal proceedings.

41. Regarding the claim filed on 23 May 2001, the court returned its verdict on 14 January 2003, partially accepting and partially rejecting the litigation claim. That verdict was sustained by the verdict of the county court of Zagreb, reference number Gžn-1581/03-2, of 17 January 2006, against which the plaintiff filed two revisions - on 24 and 30 March 2006.

42. On 11 December 2007, the Supreme Court of the Republic of Croatia returned the verdict under the reference number Rev 967/06-2, partially altering the verdicts of the county court of Zagreb and the municipal civil court in Zagreb, and awarding the plaintiff a further HRK 20,000 in damages, in addition to the previously awarded HRK 30,000.

Reply to issue no. 5

43. The Constitution of the Republic of Croatia guarantees all people in the Republic of Croatia rights and freedoms regardless of their race, skin colour, gender, language, religion, political or other affiliation, national or social background, property, place of birth, education, social position and other characteristics (art. 14 of the Constitution). In the Republic of Croatia all people are equal under the law (art. 14 of the Constitution), while Croatian nationals and foreign nationals are equal in their rights before the courts and other State bodies and other bodies vested with public authority (art. 26 of the Constitution).

44. Freedoms and rights may be curtailed by law only in exceptional cases, in order to protect the freedoms and rights of others, the legal order, public morals and public health. Any restriction of freedoms or rights shall be proportionate to the nature of the need to do so in each individual case. (art. 16 of the Constitution).

45. Additionally, it is specified that the Republic of Croatia guarantees foreign nationals the right to freedom of movement and freedom to choose their residence. The right to movement within the territory of the Republic of Croatia, the right of entry and the right to depart may exceptionally be curtailed by law, if necessary to protect the legal order, or the health, rights and liberties of others. (art. 32 of the Constitution). Furthermore, foreign citizens and stateless persons may be granted asylum in the Republic of Croatia, unless they are being prosecuted for non-political crimes and activities contrary to the fundamental

principles of international law. No foreigner legally in the territory of the Republic of Croatia may be banished or extradited to another State, except in cases of enforcement of decisions made in compliance with an international treaty or law. (art. 33 of the Constitution).

46. In conclusion, in the Republic of Croatia all persons (both Croatian citizens and foreign nationals) are guaranteed all constitutional rights and freedoms. The freedoms and rights laid down in the Constitution may be restricted if such restriction is based on law, in accordance with a legitimate aim of the State, and is proportionate to the nature of the need to do so. In view of the aforementioned, the Republic of Croatia fully complies with and guarantees the rights laid down in article 2 of the International Covenant on Civil and Political Rights.

Reply to issue no. 6

47. On 21 October 2011, the Croatian Parliament passed the Ombudsman Act which was set to come into force on 1 July 2012. The said Act provided for a comprehensive reorganization of the Office of the Ombudsman, with substantial changes to the current legal position of the special ombudsmen for children, gender equality and persons with disabilities, by merging these special ombudsman institutions with the Office of the Ombudsman. Since a majority vote in the Croatian Parliament was not reached, a precondition for a law to be deemed legitimately passed, the said Act was not adopted.

48. During the process of accession of the Republic of Croatia to the European Union, building the capacities of the ombudsman institution was one of the measures required to close chapter 23 – judiciary and fundamental rights – which contributed to the further development of this institution. The measure included improvements to the normative framework in the sense of strengthening the independence of the institution, expanding its competence to the promotion of human rights and ensuring appropriate means (financial and personnel) for the stable functioning of the institution and the performance of the activities required by its new mandates: an independent national human rights institution, accredited with A status at the United Nations; a central body for fighting discrimination; and a national preventive mechanism against torture, in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

49. The new Ombudsman Act, which came into force in July 2012, defined the proactive role of the ombudsman as a promoter of fundamental human rights and an independent institution. Following the amendments to the Constitutional Provision from 2010 expanding the mandate of the ombudsman to the promotion of human rights, the Centre for Human Rights was incorporated into the Office of the Ombudsman. Furthermore, the new Ombudsman Act guarantees the ombudsman and his/her deputies the same immunity that is provided to the members of the Croatian Parliament. A new provision enables the ombudsman to intervene in judicial proceedings in cases of unjustified delay of proceedings or obvious abuse of power. In such cases, the ombudsman has the right to request an explanation from the president of the court in question, as well as of the Supreme Court, and ultimately to notify the Croatian Parliament.

50. The new Ombudsman Act does not include the provisions on merging the existing professional and administrative capacities of the special ombudsman offices with the Office of the Ombudsman, primarily because the reasons used to justify the previous decision on merging - improving coordination and cooperation - can also be realized through appropriate normative organization. To that effect, the Act regulates the duty of cooperation between the ombudsman and special ombudsmen in the area of human rights protection and

promotion, in conformity with the principles of complementarity, mutual respect and efficiency.

51. Starting from the operative aim of the institutions of the ombudsman and special ombudsmen, what should be considered crucial are the interests of individual citizens and their options of realizing and protecting their rights in an appropriate and attainable manner. From the aspect of the primary interests of citizens, it was not deemed justifiable to change the established level of recognizability special ombudsmen have in the areas of protecting gender equality, the rights of children and the rights of the disabled.

52. Finally, after consulting the EU *acquis communautaire*, no special provisions were found regarding a method the national judiciary systems of member States are required to apply in order to organize their own human rights promotion and protection systems. Furthermore, certain international judicial bodies have expressed a certain inclination towards founding specialized independent national institutions for the promotion and protection of fundamental rights (for example the Committee on the Rights of the Child).

53. In regard to ensuring the personnel and financial means necessary for performing the activities of its newly expanded competences, in recent years the Office of the Ombudsman hired a substantial number of new employees, while the State budget allocated additional funds for financing obligations towards the employees of the former Centre for Human Rights, now incorporated into the Office of the Ombudsman, and funds for the start of operations of the national preventive mechanism in 2012.

54. The accreditation of a national human rights institution with the highest status (A) at the United Nations was renewed for the institution of the ombudsman in July 2013.

Reply to issue no. 7

55. In accordance with the provisions of the Anti-Discrimination Act, the Office of the Ombudsman issues an annual report on the instances of discrimination, monitors and analyses data on the number of proceedings instituted on the basis of discrimination and undertakes certain measures with the aim of preventing and fighting discrimination. Moreover, in recent years the Office for Human Rights and Rights of National Minorities undertook a series of activities to promote anti-discrimination and raise awareness of the general public about the devastating consequences of discrimination through various regional and national campaigns, especially through activities implemented within the project "Support for the implementation of the Anti-Discrimination Act".

56. With regard to the protection of the members of the Serbian national minority, it is pointed out that the measures laid down in the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities pertain to the realization and protection of the rights of all national minorities. The issue of protecting the members of the Serbian national minority is primarily related to the problem of the return of refugees and the realization of the right for housing care for former tenancy right holders. However, the records of the beneficiaries of the right for housing care are not being kept by nationality, although the majority of the said data pertains to members of national minorities in returnee areas.

57. Within the implementation framework of the 2003 National Programme for the Roma, the police force of the Republic of Croatia continuously monitors events and occurrences with elements of violence related to the Roma community in the Republic of Croatia and implements appropriate activities with the aim of preventing violent behaviour towards the Roma and violence within Roma communities, and fighting discrimination towards the Roma. No systematic nationalistic and racially motivated violence toward the

Roma has ever been recorded. The prevalent cases are those of verbally abusive behaviour of the youth, often under the influence of alcohol. Furthermore, violent behaviour has been noted within Roma communities.

58. The Roma and all other citizens are encouraged via the media, and by other means, to report nationalistic, racial and other types of violence directed towards them and all known cases of all types of violence are recorded and analytically monitored. Quarterly analyses are performed based on the collected data, with the aim of monitoring the safety status and undertaking appropriate measures. The Office for Human Rights and Rights of National Minorities is annually notified of the findings.

59. Moreover, with the aim of consistently implementing measures, the police, based on safety judgements and findings, in cooperation with the competent authorities (the State attorney's offices, courts and inspection service,[1] intensively and consistently plans and undertakes policing measures and actions, as well as appropriate activities aimed at effective prosecution, and monitors the proceedings until the perpetrators of all illegal and punishable offences are penalized.

60. In May 2012, the Croatian Parliament passed a Conclusion inviting all competent authorities, and especially the Ministry of the Interior, to fully comply with the law with the aim of facilitating peaceful coexistence, developing tolerance between all citizens and prosecuting and penalizing all perpetrators of illegal and punishable offences regardless of national or other affiliation, all with the aim of protecting lives, property and citizens' right to peaceful enjoyment of property, while respecting the equality of all persons before the law.

61. The Ministry of the Interior continuously tends to the need of undertaking appropriate measures to regulate, in the timeliest and simplest manner, the residence in the Republic of Croatia of Roma persons who were either born in the Republic of Croatia or have resided here for a long number of years, therefore those Roma who have a strong connection to the Republic of Croatia. The acquisition of the status of foreigner and Croatian citizenship is possible without discrimination, or regardless of nationality, to all persons who meet the legal requirements. However, in order to regulate their foreigner status, persons are required to have legitimate and actual residence on the territory of the Republic of Croatia.

62. The Office for Human Rights and Rights of National Minorities continuously implements activities promoting the Council of Europe's "*Dosta!*" ("Enough!") campaign. The round table "Human Rights Day: go beyond prejudice - meet the Roma!" was held in December 2012, in cooperation with the Council of Europe.

63. In the period from 1 July 2012 to 30 June 2013, the Republic of Croatia presided over the Decade of Roma Inclusion 2005–2015. The general aim of presiding over the Decade is its promotion and association with international initiatives, with the objective of ensuring the use and continuity of established practices that have contributed to the positive changes of the overall position of the Roma, and ensuring support for other international initiatives important for Roma inclusion through the experience of the Decade.

64. However, having evaluated that the implementation of the Decade of Roma Inclusion 2005–2015 in the Republic of Croatia is still uneven in many areas and that clear objectives and basic progress monitoring guidelines need to be set, in November 2012 the Government adopted the National Strategy for Roma Inclusion 2013–2020. The Strategy is a continuation of the 2003 National Programme for the Roma, but it redefines national priorities, implementation methods and special measures.

65. The strategy was adopted in accordance with the Communication from the Commission to the European Parliament, the Council, the European Economic and Social

Committee and the Committee of the Regions on the EU Framework for National Roma Integration Strategies up to 2020 and is also based on the provisions of international documents on human rights and rights of national minorities of which the Republic of Croatia is part.

66. The Strategy lays down the main strategic activities framework related to improving the position of the members of the Roma national minority and it highlights eight priority policies: education; employment and inclusion in economic life; health care; social welfare; physical planning, housing and environmental protection; inclusion in social and cultural life; resolving status issues, fighting discrimination and help in realizing rights for the Roma national minority; and improving the collection of statistical data.

67. On 10 April 2013, the Government adopted the Action Plan for the Implementation of the National Strategy for Roma Inclusion 2013–2015 whereby it elaborates in detail on the Strategy priority axes and the measures, holders, time frames and financial means required for the implementation of individual measures.

68. Following the incident that occurred in May 2012 in the Škabrnja municipality, related to the settlement of Croatian citizens of the Roma national minority, the Zadar Police Administration reported that the municipality mayor had been arrested and that misdemeanour and criminal charges were filed due to reasonable doubt that the felony of "racial and other discrimination" had been committed, described in and punishable in accordance with the provisions of article 174, paragraph 1, related to article 98, paragraph 6, of the Criminal Code. On 11 June 2012, the county State attorney's office in Zadar indicted Luka Škara, the mayor of the Škabrnja municipality, for racial and other discrimination.

69. In January 2010, the Government established the interdepartmental Working Group for Monitoring Hate Crimes, whose task is to find, report and prosecute hate crime cases, coordinate the gathering of statistical data, resolve all backlogs and prepare proposals to further improve interdepartmental cooperation. The Office for Human Rights and Rights of National Minorities is the central authority of the Republic of Croatia for gathering, consolidating and publishing data on hate crimes, cooperating with civil society organizations and international organizations.

70. According to the statistical data of the Ministry of Justice on felony hate crimes, in 2011 the State Attorney's Office of the Republic of Croatia received a total of 26 bills of indictment. Of those, five cases were resolved, three of which resulted in convictions (seven persons convicted, five sentenced to incarceration). In regard to misdemeanours designated as being motivated by hate, there were a total of 106 misdemeanours in 2011 and 59 final verdicts were reached. An overview of statistical data on hate crime felonies can be found in annex I.

71. In 2012, a total of six bills of indictment were filed, a total of 19 cases were resolved and 15 convictions were secured (1 prison sentence, 16 probation sentences). In regard to misdemeanours designated as being motivated by hate, there were a total of 37 misdemeanours in 2012 and 12 final verdicts were reached.

72. As of 30 June 2013, two bills of indictment were filed, seven cases were resolved, and 2.5 convictions were secured (9 prison sentences, 4 probation sentences). In regard to misdemeanours designated as being motivated by hate, there were a total of 12 misdemeanours as of 30 June 2013 and 2 final verdicts were reached.

73. In regard to events in Split on 11 June 2011 during the public gathering entitled Gay Pride, Split, 65 bills of indictment were filed at the misdemeanour court in Split and 32 cases were resolved. In the majority of the cases, the bill of indictment cited two misdemeanours - violations of the regulations on public gathering - punishable pursuant to

articles 37 and 13 of the Act on Public Order and Peace. A total of 60 cases were resolved, with 28 convictions, 18 acquittals and 8 verdicts set aside and in 6 cases the court brought in a verdict of re-education/precautionary measures for minors. Moreover, 16 cases involving a hate crime felony were submitted to the municipal court in Split in relation to the aforementioned event. All the cases were resolved with final verdicts.

Reply to issue no. 8

74. In July 2011, the Croatian Parliament adopted the National Policy for Gender Equality for the Period 2011–2015. The aims and measures of the National Policy are directed towards the protection and promotion of the human rights of women; improving the position of women on the labour market, in the field of education and in the political and public decision-making process; and the elimination of violence towards women.

75. Among the most important activities related to the implementation of National Policy measures, we highlight the campaign "*Let's get balanced!*" which was implemented over several months with the aim of increasing the political participation of women in the parliamentary elections in late 2011 and local elections in May 2013. The campaigns included broadcasting television and radio advertisements on national and local television and radio stations and holding round table discussions and forums. Moreover, on the basis of the implementation of National Policy measures, the National Electoral Commission of the Republic of Croatia established the monitoring of overall gender statistics of the electoral process, which is available to the public.

76. In 2012, the Government adopted the Rules of Procedure in Cases of Sexual Violence, developed in cooperation with non-governmental organizations and the professional public, with the aim of ensuring immediate, compassionate, gender-sensitive and culturally sensitive comprehensive help and support of all competent authorities.

77. In July 2012, the Ministry of Agriculture established a working group, which includes female representatives of competent State administration bodies, civil society organizations and scientific institutions, with the aim of gathering data on women in rural areas. The action plan for improving the position of women in rural areas is currently being drafted. Numerous workshops were organized in cooperation with civil society organizations, State institutions and institutions at the local level, with the aim of improving the position of women in rural areas.

78. The Office for Gender Equality translated and published the European Commission Strategy for Equality between Women and Men 2010–2015 and the National Policy for Gender Equality for the period 2011–2015 in Croatian, English and Braille. Moreover, gender equality seminars are being held for State officials and employees within the programme of the National School for Public Administration.

79. Regarding the issue of the participation of women in public life, it is pointed out that 25% of the members of the Croatian Parliament are women. The share of women present at county assembly level is 21%, in city councils 23% and in municipal councils 16%, which gives an average of 18%. Women participate in the current session of the Government with 20%, while two of the four Deputy Prime Ministers are women.

80. In the judicial branch of the Government, women have been in the majority for a number of years. According to official statistical data compiled by the Croatian Bureau of Statistics, in 2011 women were in the majority in municipal courts (70%), commercial courts (68%), misdemeanour courts (72%) and county courts (58%), while the Supreme Court has 49% of female judges, and the Constitutional Court has 39% of female judges, among them the President. In the State Attorney's Office, women are represented with

50%, in county State attorney's offices with 56% and in municipal State attorney's offices with 69%. In 2012, 30% of all officials and State dignitaries were women and 15% per cent of all ambassadors were women. According to data of the State Property Management Administration on the share of female members of boards of directors and/or supervisory boards of companies in which the State is the majority stakeholder, in 2012, of a total of 264 supervisory board members in 61 companies almost 23% were female (i.e. 60 women) and of a total of 103 members of boards of directors 16% were female (i.e. 17 women). Overall, of the current 367 members of supervisory boards and boards of directors 77 members (or 21%) are women.

81. Several projects aimed at improving the position of women on the labour market, encouraging self-employment and female entrepreneurship and erasing gender stereotypes were awarded funding. Those projects were:

- "Entrepreneur - I can be one, too" – a project initiated in 2011 and implemented in 2012 by the Zagreb branch of the Croatian Association of Business Women (KRUG) with the aim of promoting self-employment and innovative ideas for entrepreneurial ventures of women;
- "From unemployed to employed" – a project initiated in late 2012 by the portal *Pametna kuna* (Smart money) in cooperation with the magazine *Zaposlena* (Employed). The aim of the project was to foster female entrepreneurship in Croatia through a competition and with educational and informative content;
- The project "21 roads to success" was conceived as seven panel discussions with three guest panellists at each. All the panellists were successful business women working in different sectors who have achieved success in Croatia. At the discussions they recounted their experiences, opinions and stories of professional success.

82. In July 2011, the Government adopted the National Action Plan for the implementation of United Nations Security Council resolution 1325 (2000) on the position of women, peace and security and related resolutions for the period 2011–2014 (NAP), which simultaneously implemented the identical measure contained in the National Policy for Gender Equality for the period 2011–2015.

83. In 2012, the Republic of Croatia participated in numerous activities related to promoting cooperation and encouraging the exchange of experiences gained from the implementation of the Council resolution and related resolutions at the international, regional and national level. The regional conference "Women in peacebuilding: women's access to justice in post-conflict countries" was held in October 2012 in Zagreb and the implementation of Security Council resolution 1325 (2000) was among the conference topics. The journal that will be widely distributed to relevant participants, with the aim of encouraging the exchange of experiences gained from the implementation of the Council resolution and related resolutions, is currently being printed.

84. Moreover, representatives of the Republic of Croatia participated in the international conference "Cetinje parliamentary forum: women, peace, security – two years later", held in June 2012 in Montenegro. In addition to the role of women in security and building and preserving peace, the challenges of the full implementation of the resolution objectives were also discussed at the conference. On that occasion, the representatives of the Republic of Croatia presented the National Action Plan for the implementation of the resolution and explained the first stage of implementation of the resolution objectives through measures laid down in the National Policy for the Promotion of Gender Equality 2006–2010. The conference concluded with a joint statement, which set forth all the current achievements, reached primarily through the adoption of national action plans for the implementation of resolution 1325 (2000), and invited all relevant participants from the countries of the region

to be more consistent in their implementation of the resolution objectives and to include more women in decision-making processes.

85. The Croatian National Policy for Gender Equality contains specific objectives and measures for eliminating gender stereotypes and for raising awareness of gender equality in school curricula and textbooks. One of them is the design and implementation of the civic education curriculum in elementary and high schools. In August 2012, the Ministry of Science, Education and Sports passed the Decision on experimental implementation and monitoring of the implementation of the civic education curriculum in 12 elementary and high schools during the school years 2012/2013 and 2013/2014. Gender equality education is presented in the civic education curriculum with six structural dimensions of civic competence: human rights, political, social, cultural, economic and environmental.

86. One of the measures of the National Policy is the evaluation of the conformity of textbooks and auxiliary teaching materials with the national framework curriculum, the subject curricula and the textbook standard, within the framework of which the need for eliminating gender stereotypes and gender-based discrimination in texts and graphic design solutions would be highlighted. In May 2013, the Minister of Science, Education and Sports adopted the new textbook standard, which defines the scientific, pedagogical, psychological, didactic and methodological, ethical, visual design and technical requirements and standards for the publication of textbooks and auxiliary teaching materials.

87. For the purpose of evaluating the conformity of textbooks and auxiliary teaching materials with the ethical requirements of the textbook standard and of evaluating the conformity of textbooks with the provisions of article 4, paragraph 2, of the Act on Elementary and High School Textbooks, the Minister of Science, Education and Sports appointed a Commission for the Evaluation of Textbooks and Auxiliary Teaching Materials. The task of the Commission is to evaluate the conformity of textbooks and auxiliary teaching materials with the ethical requirements of the textbook standard and with the provisions of the Act on Elementary and High School Textbooks, which regulate that textbooks and auxiliary teaching materials must not be contrary to the Constitution of the Republic of Croatia, or to the established principles of democratic society, which primarily pertains to the protection of human rights and the rights of minorities, fundamental liberties and the rights of people and citizens and gender equality.

Reply to issue no. 9

88. Most of the measures from a total of 15 areas of the National Strategy for Equalization of Opportunities for Persons with Disabilities are being implemented continuously. For example, the cooperation between State administration bodies as competent authorities for the measures is continuous, while the closest cooperation is ensured through participation in working groups for the adoption of legislation and other strategic documents. Several strategies and acts covering the protection of persons with disabilities were drafted or adopted in 2012 (for example: the National Strategy for the Creation of an Enabling Environment for Civil Society Development, the Social Welfare Act, the draft of the family act, the draft of the act on vocational rehabilitation and employment of persons with disabilities, etc.). A series of activities were undertaken related to expanding the network of social welfare services. That primarily included the development of non-institutional types of care in local communities, with the aim of preventing institutionalization, and with special emphasis on developing a foster care system, providing personal assistant services to persons with the most severe type and degree of disability and implementing the deinstitutionalization and transformation processes in social welfare institutions.

89. In accordance with the Plan on Deinstitutionalization and Transformation of Social Welfare Institutions and Other Legal Entities Providing Social Welfare Services, activities are being and will be undertaken in the Republic of Croatia in the 2011–2016 (2018) period with the aim of realizing the Operational Plan for the Implementation of the Deinstitutionalization and Transformation Process in Social Welfare Institutions. With the objective of intensifying the above processes, the Ministry of Social Policy and Youth initiated the implementation of the project "Transformation and deinstitutionalization of the Stančić rehabilitation centre and the Zagreb rehabilitation centre". In 2012, the provision of personal assistant services for persons with the most severe types and degrees of disability was continued through projects of various associations of persons with disabilities (the number of beneficiaries increased from 551 to 631). The provision of services of Croatian sign language interpreters/translators was continued for the hearing impaired and for the deaf-blind, with the employment of 52 interpreters within the project frameworks of 27 associations.

90. The number of teaching assistants, personal assistants/sign language translators working directly with students with developmental disabilities also increased (406).

91. Architectural barriers were continuously removed. By the end of the year, 71 elementary schools, 24 high schools, and 1 kindergarten were adapted. Most health-care institutions provide either partial or basic access (access to health-care institutions or lifts).

92. In regard to employment, the statistics are as follows: persons with intellectual disabilities (530 or 37 per cent), persons with physical disabilities (322 or 23%), and persons with multiple disabilities (238 or 17%). As of 31 December 2012, the records of the Croatian Employment Institute indexed 6,607 unemployed persons with disabilities, or 1.8% of the total number of unemployed persons.

93. Some of the active policy measures for co-financing employment implemented by the Croatian Employment Institute pertain to fostering labour market integration of persons with disabilities. In 2012, the implementation of active policy employment measures included 779 persons with disabilities, which is a 25.4% increase in comparison with 2011 (581).

94. Moreover, a series of projects, campaigns and educational and other activities were continuously implemented in all areas of interest for persons with disabilities, with the aim of fostering social inclusion of persons with disabilities.

95. In regard to legislative reform concerning legal competence and guardianship, the Croatian Parliament adopted a new Register of Voters Act in December 2012, the provisions of which grant persons deprived of legal competence the right to participate in elections. The competent authority for drafting the said act was the Ministry of Public Administration.

96. The drafting of the new Family Act was initiated in 2012. Due to the requirements of harmonizing the Croatian guardianship legislation with the Convention on the Rights of Persons with Disabilities, the notion of deprivation of legal competence is planned to be abolished. However, the notion of partial deprivation of legal competence shall remain in force for the provisions related to the protection of rights and interests which a person is not competent to sustain by him/herself and related to the provision of assistance in those areas in which a person requires such help. Furthermore, it has been proposed that a guardian shall be required to accept the wishes and personal beliefs of a ward, unless they are against the well-being of the ward. This provision is in accordance with the requirements of the Convention on the Rights of Persons with Disabilities and it implies a more active role of the guardian in providing guardianship. Another new provision is that the social welfare centre should appoint a special guardian to the person for whom the proceedings for the deprivation of legal competence have been initiated, primarily from the ranks of solicitors,

except in cases when the notion of "advance directive" should apply, ensuring the will of the person to appoint his/her own legal representative or special guardian in potential future proceedings for the deprivation of legal competence, be acknowledged. Furthermore, the option of appointing several guardians to one ward is introduced and the notion of parental care after the age of majority is abolished.

Reply to issue no. 10

97. Providing accommodation for victims of domestic violence is one of the most important measures of the National Strategy for Protection against Domestic Violence. Civil society organizations, religious organizations and other legal entities provide 18 shelters for victims of domestic violence in the Republic of Croatia. The provisions of the Social Welfare Act permit legal entities and natural persons to establish public social welfare institutions - shelters for children and adults - for victims of domestic violence; and they permit religious groups and associations, the objective of whose activities is to provide care for socially disadvantaged persons, to provide care for more than 20 beneficiaries - victims of domestic violence seeking shelter from their family - without the requirement of establishing a shelter. A local self-government unit, a company, or another domestic or foreign legal entity can provide care for a maximum of 20 beneficiaries seeking shelter from their family, without the requirement of establishing a shelter (under the conditions and in the manner provided by law).

98. Service providers who obtain authorization for performing social welfare activities may stipulate a cooperation agreement in accordance with which beneficiaries may be housed at the institutions pursuant to decrees issued by social welfare centres. The application of such a model enabled the Ministry of Social Policy and Youth to sign agreements with 10 legal entities which perform the said activities. Temporary accommodation services are provided to beneficiaries for as long as they require them, which is mostly up to six months and in special cases up to one year. During accommodation, the beneficiary is provided with meals, health care, personal hygiene facilities and psychosocial treatment, while a parent is required to provide for the daily necessities of their child. This type of shelter can also provide counselling services to domestic violence victims who are not beneficiaries of temporary accommodation.

99. In addition to the aforementioned model, there are also seven autonomous women's shelters that offer accommodation to domestic violence victims, with the support of the Ministry of Social Policy and Youth and the towns and counties in which they are situated. The victims are also provided with counselling at the shelters and help is given to all persons in need who ask for assistance.

100. In the previous period, with the aim of financially supporting the activities of autonomous women's shelters run by civil society organizations, the ministry competent for family issues provided financial support as follows:

2009

- 5 autonomous women's shelters with a total amount of HRK 1,643,886.18
- Number of beneficiaries - not available

2010

- 10 shelters (5 autonomous women's shelters and 5 institutions/shelters) with a total amount of HRK 2,529,827.64
- Number of beneficiaries: 335

2011

- 7 autonomous women's shelters with a total amount of HRK 2,027,602.00
- Number of beneficiaries: 316.

101. The following are the data for the period from 2009 to 2011, pertaining to service providers established by associations, religious organizations, and other legal entities which are funded through a contracting system for the provision of services:

- 2009 - HRK 3,476,748.29 spent, 134 beneficiaries
- 2010 - HRK 3,843,207.35 spent, 121 beneficiaries
- 2011 - HRK 4,016,115.19 spent, 137 beneficiaries.

102. The plan for the following period is to establish a uniform financing system for all shelters for domestic violence victims by adhering to specific standards. That would enable the transparency of activities and business of all entities and it would also protect human rights (and the rights of children) guaranteed by the State.

Service providers

- 10 service providers established by associations, religious organizations and other legal entities. Care is provided pursuant to the Social Welfare Act and financing through a contracting system for the provision of services.
- 7 shelters for female victims of domestic violence founded by civil society organizations and financed through tenders for financial support for civil society organizations.

Number of beneficiaries in 2012

- Service providers providing accommodation to victims of domestic violence - 141 women and children
- Shelters - 636 women and children

Funds expended in 2012

- HRK 4,539,406.26 - contracting system
- HRK 2,099,876.90 - tenders for financial support for civil society organizations

Number of beneficiaries in 2013, as of 30 June 2013

- Service providers providing accommodation to victims of domestic violence - 118 women and children
- Shelters - 422 women and children

Funds expended in 2013, as of 30 June 2013

- HRK 2,269,166.84 - contracting system
- HRK 1,050,000.00 - tenders for financial support for civil society organizations.

103. The competent State bodies invested substantial expertise in the implementation of the measures of the National Strategy for Protection against Domestic Violence 2008–2010, with the aim of preventing domestic violence and protecting the victims of domestic violence and with the objective of improving the judicial and institutional systems.

Moreover, significant improvements were also made in the professional training of State and public personnel. Competent State bodies organized a series of professional training events and seminars aimed at personnel working in the field of protection against domestic violence (police, social welfare centres, family centres, State attorney's offices, misdemeanour, family and criminal courts, medical staff, teaching staff).

104. The actions of the competent bodies contributed to recognizing domestic violence as an entirely unacceptable form of social behaviour that violates fundamental human rights and liberties. The implemented activities substantially contributed to strengthening competent State bodies and institutions and civil society institutions, and to their coordinated actions.

105. Competent State administration authorities and civil society organizations improved and upgraded achievements in the field of preventing domestic violence and protecting the victims of domestic violence, while improvements of the judicial, educational, social and institutional system still remain the task of all competent and other State bodies, local and regional self-government units, civil society organizations and institutions operating in the field of protection against domestic violence. We particularly emphasize the cooperation between State bodies, local and regional self-government units and civil society organizations offering help and support to victims of domestic violence.

106. In November 2010, a cooperation agreement was signed by the ministries competent for the interior, the justice system, family, health care, social welfare, education and administration, pursuant to which interdepartmental teams were established at national and county level, monitoring the activities of all competent bodies involved in cases of domestic violence and violence against women.

107. In November 2009, the new Act on Protection against Domestic Violence came into force, and the Criminal Code came into force in January 2013. The aforementioned acts lay down provisions for the protection of victims of domestic violence at misdemeanour and felony level.

Reply to issue no. 11

108. With regard to the Protection against Domestic Violence Act, the list of protective measures is prescribed by the provision of article 11, paragraph 2, of the Act, while articles 12 to 17 prescribe these measures in detail.

109. The purpose of the protective measures is their application in order to prevent domestic violence, ensure necessary protection of the health and safety of victims of violence and remove the conditions that support or encourage the commitment of new offences. They are applied to eliminate the threat to victims of violence and other family members.

110. In addition to protective measures prescribed by the Act on Misdemeanours, the court may also prescribe the following protective measures with regard to the domestic violence perpetrator: compulsory psychosocial treatment, restraining order protecting the victim of domestic violence, prohibition of harassment or stalking the victim of violence, removal from an apartment, house or other dwelling and compulsory rehabilitation.

111. The protective measure of compulsory psychosocial treatment can be applied with regard to the domestic violence perpetrator to remove the perpetrator's violent behaviour or if there is a risk that the perpetrator might repeat the abuse toward the persons that make a family according to article 3 of the Act. The protective measure of compulsory psychosocial treatment can be determined for a duration of at least six months, with the

upper limit of one year prescribed by the provision of article 20, paragraph 3, of the Act on Amendments to the Act on Misdemeanours (Official Gazette 39/13).

112. The protective measure of a restraining order protecting the victim of domestic violence can be applied with regard to the domestic violence perpetrator if there is a risk that he/she might repeat the domestic abuse. It is set for a duration that cannot be less than one month nor more than one year (last amendments of the Act on Misdemeanours, Official Gazette 39/13). In its decision to apply the measure of a restraining order protecting the victim of domestic violence, the court determines the places or areas and the distance at which the perpetrator must remain from the victim of domestic violence.

113. The protective measure of prohibition of harassment or stalking the victim of violence can be applied with regard to the domestic violence perpetrator who has committed violence through stalking or harassment when there is risk that he/she might repeat stalking or harassing the persons that make a family under this Act. The measure is determined for a duration that cannot be less than one month nor more than one year (last amendments of the Act on Misdemeanours, Official Gazette 39/13).

114. The protective measure of removal from an apartment, house or other dwelling can be applied with regard to the domestic violence perpetrator if there is a risk that without this measure the perpetrator might repeat the abuse. The person against whom the measure has been imposed is obligated to immediately vacate the apartment, house or other dwelling in the presence of a police officer. The measure cannot last less than one month nor more than one year (last amendments of the Act on Misdemeanours, Official Gazette 39/13).

115. The protective measure of compulsory rehabilitation can be applied with regard to the domestic violence perpetrator who has committed abuse under the influence of alcohol or drug addiction when there is risk that such addiction might cause him/her to repeat the abuse. The measure cannot be imposed for more than one year.

116. All protective measures from the Act can be applied autonomously and without the need to determine a sentence, i.e. other misdemeanour or legal sanctions, ex officio, at the request of the authorized prosecutor or at the request of the victim of violence. With the purpose of urgent protection of victims of violence, the protective measures such as restraining orders protecting the victim of domestic violence, prohibition of harassment or stalking the victim of violence and removal from an apartment, house or other dwelling can be applied prior to instituting a misdemeanour proceeding at the proposal of the victim of violence or the authorized prosecutor with prior consent of the victim, in order to eliminate the direct threat to life of the victim of violence or other family members. The court must reach a decision with regard to the above-stated proposal within 24 hours at the latest. However, the decision reached will be repealed by the court if the proponent of the protective measure (victim of violence or authorized prosecutor with prior consent of the victim) does not submit an indictment proposal against the perpetrator of violence within eight days from submitting the proposal for the application of a protective measure. The court must warn the proponent about the consequences of the failure to submit an indictment proposal, i.e. to inform him/her that the failure to submit an indictment proposal results in the repeal of the decision on protective measure application.

117. Pursuant to the provisions of the Act on Misdemeanours, the parties and persons whose rights have been violated can always appeal the decision of the court of first instance reached before, during and after the procedure, except when the Act on Misdemeanours states that appeals are not allowed. The appeal is submitted to the court that has reached the decision within three days from the day the decision was delivered, provided that another deadline is not set by the Act on Misdemeanours. The appeal does not postpone the enforcement of the decision, unless determined otherwise by the Act on Misdemeanours, pursuant to the above, seeing as the appeal postpones the enforcement

118. The police are authorized to enforce three protective measures: a restraining order protecting the victim of violence, a prohibition of harassment or stalking the victim of violence and removal from an apartment, house or other dwelling. During the enforcement of the aforementioned protective measures the police are obligated to follow the provisions of the Regulations on the Enforcement of Protective Measures that were placed under police authority by the Protection against Domestic Violence Act.

119. The issues regarding the Protection against Domestic Violence Act are regulated by the provisions of the Act on Misdemeanours (Official Gazette 87/08, 39/13), which prescribes the procedural and legal practices – precautionary measures for effective protection of domestic violence victims.

120. Precautionary measures that are applied in domestic violence matters by the authorized prosecutor, police and courts include the following: prohibition from visiting certain places or areas, prohibition from approaching the person concerned and prohibition from establishing and maintaining contact with the person concerned. Precautionary measures can last while they are required, at most until the decision becomes legally binding, which provides the best protection for the victim, seeing as precautionary measures are followed by protective measures, e.g. a restraining order, which is a sentence that comes into force when the misdemeanour sentencing decision becomes legally binding.

121. The police are authorized to issue an order to enforce some of the above-stated precautionary measures, which can last up to eight days, after which the decision is reached by a court or ex officio or at the proposal of the prosecutor and the measure, as stated, can remain in force until the misdemeanour sentencing decision becomes legally binding. Precautionary measures are monitored every two months at the request of the court.

122. More than one measure can be applied in a particular case. Precautionary measures in domestic violence cases can be used to limit the right of the defendant to his/her apartment, contact with household members, spouse, common-law spouse or ex-spouse, children of any of the aforementioned, parents, adopted child, adoptive parent, as well as the person with whom they have children, with the same-sex partner with whom they live in a registered partnership and ex-same-sex partners with whom they lived in a registered partnership.

123. The assertion that Croatia "generally enforces arrests and sentences both for the perpetrator and the victim" is incorrect. During the inquiry following the report of a domestic violence case, the police always determine the facts of a case and, pursuant to these facts, it distinguishes between a perpetrator and a victim. However, in situations where it is undoubtedly clear that the person who is primarily a victim went beyond the scope of self-defence and entered the sphere of violence, the police report both participants. According to the Protection against Domestic Violence Act, verbal abuse of a family member is classified as a misdemeanour and it is processed as such. The police do not report or arrest persons who use passive or active resistance during the act of violence by physically trying to stop the perpetrator's attack, shouting or crying for help, but only those persons who insult or attack other persons, regardless of whether they were attacked themselves. During their inquiries, the police determine the primary aggressor, i.e. the perpetrator of domestic violence, i.e. they distinguish between violent behaviour and self-defence. In cases when the victim of violence reacts violently to the committed violence, he/she also becomes a perpetrator and the judicial bodies will decide on the degree of guilt and responsibility.

124. Considering a well organized legislation and subordinate legislation framework: the Protection against Domestic Violence Act, the Rules of Procedure in Cases of Domestic Violence, National Strategy for Protection against Domestic Violence and the Regulations on the Enforcement of Protective Measures placed under police authority by the Protection

against Domestic Violence Act, the Ministry of Interior of the Republic of Croatia has directed its activities toward the education of the entire operative system with the goal of raising the professionalism of all police officers participating in cases of domestic violence, which directly contributes to the improvement of the status of victims of domestic violence.

125. The Police College has implemented educational programmes regarding the matter of domestic violence in its basic police education programme for the profession of policeman: criminal acts against marriage; family and youth; violent behaviour in the family – misdemeanour law; domestic violence (types, causes and effects, types of perpetrators, police procedure); strategies for resolving domestic violence; domestic violence - integrated practical tutorials; and procedural tactics in domestic violence cases.

126. Study programmes of the Police College teach the issue of domestic violence from the legal, psychological, sociological and ethical aspect in several courses (substantive criminal law, criminal procedural law, misdemeanour law, criminology, criminology - special section, youth delinquency and crime against children and minors, criminal methodology, methodology of detection, investigation and proving violent and sexual crimes, forensic and criminal psychology, social pedagogy, human rights, human rights and police ethics).

127. The Police College in Zagreb continuously holds basic courses for the work of police officers of operational duty shifts in police stations on the subject of domestic violence; police officers of operational duty shifts in almost all police stations in the Republic of Croatia possess such special qualifications. Furthermore, based on the plan and programme of professional training of police officers, the police administrations continuously carry out the education of their police officers and heads of operational duty shifts in police stations in regard to the subject of domestic violence. This education contributes to greater competence and professionalism related to the application of regulations and legislation that govern police procedures in domestic violence cases, as well as appropriate measures for the protection of domestic violence victims.

128. The publishing department of the Police College, among its other activities, issues publications such as *Policija i sigurnost*, *Izbor* and *Krim arak*, which cover professional and scientific topics, including those connected to domestic violence.

129. With the goal of optimal implementation of concrete provisions of the National Strategy for Protection against Domestic Violence, related to the education of experts working in the field of protection against domestic violence in the period from 2009 to 2011, the Association for Psychological Assistance (DPP) implemented a three-year project for the suppression of domestic violence in Croatia, as a part of the programme MATRA of the Ministry of Foreign Affairs of the Netherlands in cooperation with the Ministry of the Interior, Ministry of Health and Social Welfare and the Ministry of Justice. This project included the seminar "Building the capacity for coordinated response to domestic violence in the community", where police officers, judges and social workers shared their experiences regarding ways of cooperation with the aim of suppressing domestic violence.

130. Furthermore, police officers also participate in seminars, round tables and other events organized by State bodies and civil society associations on the subject of domestic violence. Participation in the aforementioned seminars has helped to establish and develop police cooperation with non-governmental organizations dedicated to the issue of violence and encouraging gender equality.

131. On 29 November 2010, an agreement on cooperation between the Ministry of Interior, Ministry of Justice, Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, Ministry of Health and Social Welfare, Ministry of Science, Education and Sports and Ministry of Public Administration was signed. The cooperation of competent ministries which perform work related to domestic violence and violence against women is

regulated by this agreement. Based on the agreement and with the aim of better cooperation and more efficient protection of victims, the National Team for Prevention and Suppression of Domestic Violence and Violence against Women was formed, as well as interdepartmental teams at the county level. Their task is to coordinate, based on a system of team work, the monitoring and supervision of the work of all competent bodies involved in cases of domestic violence and violence against women, with the purpose of improving their mutual cooperation and the final goal of preventing and suppressing the occurrence of domestic violence and ensuring adequate victim protection. During 2011, 2012 and 2013 the National Team undertook a series of activities, including the organization of joint education of county teams in order to improve the resolution of concrete problems occurring in field work through interdepartmental cooperation.

132. Thus far, the National Team for Procedures in Cases of Domestic Violence and Violence against Women has cooperated with the competent State bodies to organize four seminars for the members of county teams composed of police officers, as well as workers in social welfare centres, family centres, the State attorney's office, misdemeanour, family and criminal courts and medical and educational institutions. At the seminars, which included all counties of the Republic of Croatia, the participants were informed about the obligations and current activities undertaken by each individual system in the field of protection from domestic violence and provided with examples of good practices in carrying out measures designed for the protection of victims.

133. In addition to the implementation of the agreement, the following tasks were realized: creation of the standard operating procedure of the police in cases of domestic violence, with the aim of raising quality and harmonizing procedures in cases of domestic violence, the making of 7,000 laminated forms of the procedure reminder following reports of domestic violence delivered to police officers who directly intervene in domestic violence cases, as well as the standardized form of the victims' rights information statement for the victims of domestic violence to inform them about State-provided rights to victims of violence.

Reply to issue no. 12

134. In the provisions of article 17, paragraph 1, of the Constitution, the framers of the Constitution laid down three preconditions whose realization may justify the decision on curtailing individual constitutionally-guaranteed freedoms and rights. The said preconditions are: (1) a state of war, (2) any clear and present danger to the independence and unity of the State and (3) a natural disaster. Although the Constitution does not specify which freedoms and/or rights may be curtailed, it is paramount to emphasize that such curtailment shall depend on the nature of the individual preconditions whose realization may justify the decision on restricting individual freedoms and rights, whereby the extent of such restrictions, pursuant to the provisions of article 17, paragraph 2, of the Constitution must be "adequate to the nature of the threat and may not result in the inequality of citizens with respect to race, colour, gender, language, religion, national or social origin". In summation, it can be concluded that the Croatian Parliament, or the President of the Republic, must comply with the following two criteria when deciding to curtail individual freedoms and rights: first - the extent of the restrictions must be adequate to the nature of the threat (therefore, what is being applied here is the same proportionality principle used in article 4 of the Covenant with the wording "to the extent strictly required by the exigencies of the situation"); second - the consequence (scope) of the restrictions may not result in the inequality of persons with respect to race, colour, gender, language, religion, national or social origin, which adheres in full to the wording in article 4 of the Covenant ("do not

involve discrimination solely on the ground of race, colour, sex, language, religion or social origin").

135. Furthermore, the inalienable nature of individual rights, even in a time of public emergency, is highlighted by the provisions of article 17, paragraph 3, of the Constitution which states: "Even in cases of clear and present danger to the existence of the State, no restrictions may be imposed upon the provisions of this Constitution stipulating the right to life, prohibition of torture, cruel or unusual treatment or punishment, and concerning the legal definitions of criminal offences and punishment, and the freedom of thought, conscience and religion." Upholding the ban on restricting the aforementioned rights includes, of course, the inviolable constitutional prohibition of abolishing those rights. Although the aforementioned rights and freedoms do not explicitly state, for example, the right laid down in article 8, paragraph 2, of the Covenant ("No one shall be held in servitude."), the requirement for this right to be observed is implied in a series of constitutional provisions, such as the provisions of article 14, paragraph 2, of the Constitution ("All persons shall be equal before the law."), article 22, paragraph 1, ("Human liberty and personality shall be inviolable."), article 23, paragraph 2, ("Forced and compulsory labour shall be forbidden.") and especially in the general constitutional principles laid down in article 3 of the Constitution and defined as the "highest values of the constitutional order of the Republic of Croatia" which serve - and this should also be highlighted in other legislative examples - as the "basis for the interpretation of the Constitution".

136. Finally, it should be remarked that the provision of article 101, paragraph 1, of the Constitution, pursuant to which the President of the Republic "may issue decrees with the force of law", does not offer the constitutional possibility of de facto derogation of Covenant rights by circumventing the restrictions of the provisions of article 17 of the Constitution, which is evident from the provisions of article 5 of the Constitution, pursuant to which: "In the Republic of Croatia, laws shall comply with the Constitution. Other regulations shall comply with the Constitution and law." Since the legislative force of the decrees with the force of law is weaker than that of the Constitution, pursuant to the provisions of article 5 of the Constitution, all decrees with the force of law must comply with the Constitution and no constitutional provisions can be derogated by them, including the provisions of article 17 of the Constitution. In view of the aforementioned, the provisions of the Constitution are fully compliant with the provisions of article 4 of the Covenant regarding the actions taken in a time of public emergency which threatens the life of the nation.

Reply to issue no. 13

137. A working meeting of the Chief State Attorney, municipal and county State attorneys, officials of the General Police Directorate and commissioners of police administrations of the Republic of Croatia was held in mid-December 2012, with the aim of undertaking activities in the field of investigating and prosecuting war crimes committed during and after "operation Storm". At the meeting it was emphasized that it is of particular importance that in the following months activities be focused on the field of war crimes, specifically towards the discovery and prosecution of the perpetrators of war crimes who were set as national and regional priorities and of crimes committed during the military and police operation Storm and immediately after its conclusion.

138. In regard to war crimes committed during and after operation Storm, the State Attorney's Office of the Republic of Croatia requested from the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (hereinafter: ICTY) in The Hague that they deliver all the materials contained in the files from the proceedings the said

Office instituted against Ante Gotovina, Mladen Markač and Ivan Čermak, in order for the said materials to be used in further actions of the State attorneys involving war crimes, on the prosecution of which competent county State attorney's offices are already working. Most of the documentation from the aforementioned proceedings was unavailable until recently, since the final verdicts in the ICTY proceedings were not yet reached.

139. The trial of the case "Grubori" against two members of the special police troops is currently being heard. In the case "Crimes in Prokljan and Mandići" the verdicts against four members of the Croatian Army were returned; one defendant was convicted with a non-final verdict and three defendants were acquitted with non-final verdicts.

140. The new, revised list of national priorities contains two cases related to war crimes committed by the members of the Croatian Army and police during and after the military and police operation Storm.

141. An overview with aggregated statistical data on war crimes cases as of 5 June 2013 can be found in annex II.

Reply to issue no. 14

142. With the aim of implementing instruction number O-4/08 related to the handling of war crimes cases and supporting the implementation of the Ministry of Justice Strategy for the investigation and prosecution of war crimes committed in the period 1991–1995, the State Attorney's Office of the Republic of Croatia drew up an operational programme which lays down in detail all the immediate obligations of all State attorneys, especially the obligation of coordinating their activities with police officers, as well as deadlines and control and evaluation methods for the progress achieved.

143. The following was achieved in relation to the implementation of the Strategy of the Ministry of Justice and the implementation of the operational programme:

- The amendments to the Act on the Implementation of the Statute of the International Criminal Court and Prosecution of Crimes against International Law of War and Humanitarian Law define that, in cases provided by law, the four largest county courts (Osijek, Rijeka, Split and Zagreb) have jurisdiction and consequently so do the four largest county State attorney's offices in those seats where special war crimes departments were established. The four largest police administrations were deemed as specialized for actions in war crimes cases. Based on the amendments to the Act, the activities of certain bodies were reorganized in 2011 by creating a "vertical" management system for efficient work on those cases. In July 2010, eight crimes in which the perpetrators were never discovered were prioritized at the national level. By mid-2012, the perpetrators were discovered and prosecuted for six of the eight crimes.

- Amendments to laws, specialization and creating "vertical" management systems in the police, State attorney's offices and courts have contributed to the discovery and prosecution of war crimes.

144. The progress achieved and the evaluation that it is necessary to take additional measures and actions in order to discover and prosecute perpetrators, or the persons who issued the orders for the most serious crimes of which the perpetrators have not yet been discovered, required further measures and actions to be taken.

145. In September 2012, upon reviewing what was achieved thus far, it was decided that the following actions needed to be taken:

(a) Revision of priorities - given that the best results are achieved at national level, due to the quality of investigators and their experience, as well as due to the level of supervision, the decision was reached to set new national priorities and revise regional priorities in order to concentrate activities and increase discovery success. Once the regional priorities were revised, all cases were evaluated at national level. On the basis of the evaluation, the basic criteria of which was the seriousness of a crime and the method by which it was executed, new national priorities were set for two crimes related to war crimes during or immediately following the military and police operation Storm;

(b) Operative methods - in order to retain operative efficiency regarding national level priorities and increase operative efficiency regarding regional level cases, operative and reporting methods were set.

146. The current progress achieved with the discovery of perpetrators in 6 of 8 national level crimes, and in 11 regional level cases, gives us grounds to conclude that what we have planned is attainable.

147. In addition to working on cases in which the perpetrators were never discovered, the Action Plan requires that State attorney's offices continuously audit proceedings which were initiated with too broad a scope in the early 1990s. In relation to ensuring a uniform application of prosecuting standards for war crimes trials and eliminating the disparities in charges and court rulings for similar cases, we emphasize that the State attorney's offices apply equal standards to all defendants regardless of their membership in armed forces. In the period from when the Strategy was adopted until today, proceedings were discontinued against 57 perpetrators, either during the preliminary investigation proceedings or after indictment. Moreover, since the Criminal Procedure Act was amended to allow in absentia renewal of proceedings in which a final verdict was reached, requests for renewal were filed for 127 defendants. Of the aforementioned number, competent State attorney's offices requested renewals of proceedings for 95 defendants, 30 convicted persons filed the requests by themselves, 12 of which were filed in absentia. In the vast majority of cases, the proceedings were discontinued.

148. The Republic of Croatia continuously cooperates with prosecutors' offices in accordance with agreements stipulated between prosecutors' offices. In addition to individual actions of assisting in specific cases, data and evidence were submitted to the prosecutors' offices in the region for certain cases in which it had been established that the perpetrators reside in State territories in which the respective prosecutors' offices have jurisdiction and are nationals of those States.

149. On 3 June 2013, the Protocol on the Cooperation between the State Attorney's Office of the Republic of Croatia and the Prosecutor's Office of Bosnia and Herzegovina for the prosecution of perpetrators of war crimes, crimes against humanity, and genocide, was signed in Sarajevo.

150. In relation to the 2011 Act on the Invalidation of Certain Legal Acts of the Judicial Bodies of the Former Yugoslav National Army, the former Socialist Federal Republic of Yugoslavia and the Republic of Serbia, the President of the Republic of Croatia filed a request for the evaluation of the constitutionality of the aforementioned Act to the Constitutional Court of the Republic of Croatia in late December 2012. The Government of the Republic of Croatia proposed that the Constitutional Court of the Republic of Croatia reach a decision which would establish that the aforementioned Act was unconstitutional, and that the Act be repealed in full. The Government believes that the contested Act does not provide added value to the agreements currently in force regulating international legal aid in criminal matters between the Republic of Croatia and the Republic of Serbia, while the existent legal framework makes the application of the provisions of the contested Act redundant. We point out that the aforementioned Act did not stop or jeopardize cooperation

between the Republic of Croatia and the Republic of Serbia in prosecuting or investigating war crimes. The State Attorney's Office of the Republic of Croatia and the Office of the War Crimes Prosecutor of the Republic of Serbia continue to cooperate and exchange materials related to the investigation and prosecution of war crimes.

151. The Republic of Croatia firmly believes that efficient regional judicial cooperation is based on trust in the justice systems of other States, upholding the fundamental principles of international law and the standardization of the *ius puniendi* and the jurisdiction of individual States in conformity with the universally accepted principles of criminal law. In spite of the aforementioned principles, two acts are still in force in the Republic of Serbia which, in the opinion of the Republic of Croatia, hinder full cooperation between the two States. Those acts are: the Law on the Organization and Competences of the Government Authorities in War Crimes Proceedings of the Republic of Serbia, with the application of which the Republic of Serbia extended its jurisdiction to all States of the former Yugoslavia by establishing itself as competent for the prosecution of war crimes committed on the territory of the former SFRY, regardless of the nationality of the victim or perpetrator (*Purda* case, *Divjak* case); and the Amnesty Law. The aforementioned Law grants amnesty to persons who have committed the felony of armed rebellion and felonies against the constitutional order of the former SFRY in the period from 27 April 1992 to 7 October 2000. The problem is that the Law does not include the time prior to 27 April 1992, or the period from 1990 to 27 April 1992. The indictments for armed rebellion against the Yugoslav National Army and the SFRY brought by the Republic of Serbia are therefore problematic because they do not have a legal basis.

152. Improving regional cooperation is a key element for further improvements in war crimes prosecution. With that objective, the Republic of Croatia initiated the signing of the agreement with the Republic of Serbia on prosecuting and punishing the perpetrators of war crimes which would resolve all unresolved issues.

153. Since 2006, the Ministry of Justice of the Republic of Croatia has been developing a support system for victims and witnesses. The support system functions on two levels, through the activities of the Independent Sector for Victim and Witness Support at the Ministry of Justice and through the activities of the departments for organizing and providing support for witnesses and victims established at county courts in Split, Rijeka, Sisak, Osijek, Vukovar, Zadar and Zagreb.

154. Two organizational units were established within the Independent Sector for Victim and Witness Support at the Ministry of Justice: the Department for Victim and Witness Support and International Cooperation and the Department for Indemnity in Criminal Procedures. The Department for Victim and Witness Support and International Cooperation systematically develops and coordinates the victim and witness support system and offers psychological support and general legal information. Information and support are available for witnesses coming to testify to the Republic of Croatia from abroad, and for witnesses from the Republic of Croatia who have been summoned to testify abroad.

155. It is particularly important to emphasize the role of the Department in organizing access to the courts for witnesses in war crimes cases. The Department mediates in ensuring physical protection for witnesses, helping them prepare for court appearances and organizing access of witnesses to competent judicial authorities. In regard to the organization of physical protection and access to the courts, good cooperation was established with the Ministry of the Interior. The Department staff also contacts the witnesses in war crimes cases by telephone, in order to establish their needs related to ensuring protection, their needs regarding their health condition (relative to the ability to travel and testify), to give them necessary clarification and, in cooperation with the police, to organize their protection and transport to the courthouse.

156. The Departments for Organizing and Providing Support for Witnesses and Victims established at county courts offer support to witnesses upon their arrival at court and, in consultation with the State Attorney's Office, during the investigation. Support is offered to witnesses and victims of serious felonies, war crimes, in cases that fall under the jurisdiction of the Office for the Suppression of Corruption and Organized Crime, and in domestic violence cases. The courts have waiting room facilities so that the witnesses can spend their time waiting to testify in secure and pleasant surroundings, which also eliminates the possibility of encountering the defendant.

157. In relation to ensuring fair and adequate reparation for victims of war crimes, in the Republic of Croatia civil and military victims of war are eligible for reparation in accordance with the Act on the Protection of Military and Civilian War Invalids, the Act on the Responsibility for Damages Caused by Acts of Terrorism and Public Demonstrations and the Act on the Responsibility of the Republic of Croatia for the Damages Caused by Members of the Croatian Army and Police Forces during the Homeland War, all of which came into force in 2003.

Reply to issue no. 15

158. By closing chapter 23 - judiciary and fundamental rights - and with accession to the European Union on 1 July 2013, the Republic of Croatia demonstrated its continuous dedication in investigating and prosecuting war crimes. The main obstacles in prosecuting war crimes remain the unavailability of all the perpetrators of those felonies to the Croatian justice system, and the unavailability of evidence and witnesses to the Croatian investigative authorities. Efforts are being made to resolve those issues by improving regional cooperation. A consequence of the aforementioned unavailability of war crime perpetrators is that, in the past, the majority of the cases were prosecuted in absentia. Since most of such trials took place during the war, or immediately after the war had ended, at a time when the Croatian justice and investigative authorities did not have access to all evidence materials, there were oversights in the proceedings.

159. In order to set clear and objective criteria for the prosecution of war crimes, the State Attorney's Office of the Republic of Croatia (hereinafter: DORH) set the standards of procedure for such cases in 2008. In addition to the standards, the "Instruction for the evaluation of justifiability in criminal cases in relation to the existent cases and evaluations of justifiability for initiating such proceedings in the future" was also adopted. What followed was an exhaustive review of all war crimes cases with the application of uniform standards, both in preliminary proceedings and in court hearings, and that resulted in the consolidation and better focusing of DORH activities. Moreover, the Republic of Croatia implemented the Action Plan for the review of in absentia cases, which was adopted to deal with oversights that occurred in preliminary proceedings in war crimes cases. The main objective was to achieve improved standards of prosecution and their harmonization with European practice.

160. The 2009 amendments to the Criminal Procedure Act allowed for the renewal of criminal proceedings even in cases where the perpetrator was absent. In view of the amendments, combined with the aforementioned Instruction, by the end of 2010 DORH filed requests for renewal of proceedings for 94 persons in absentia, out of a total of 464 persons convicted in absentia. A certain number of requests for renewal of proceedings were filed by the suspects themselves. Those actions caused a substantial reduction of final verdicts reached in absentia.

161. In summation, the current practice of the Croatian courts is not to process felonies in absentia. In some cases, when all legal remedies that could ensure the perpetrator be present

at trial have been exhausted, the court has no other option but to initiate in absentia proceedings with the aim of ensuring justice. However, such cases are very rare.

162. Moreover, in most in absentia cases, the perpetrator of a war crime who is unavailable to the Croatian justice authorities is a Serbian national currently residing on the territory of another State. That is the reason why most in absentia cases were tried or are being tried against Serbian nationals. Most of the perpetrators of war crimes who are Croatian nationals are available to the Croatian justice authorities and their trials can be held in the presence of the suspects.

163. The unavailability of all perpetrators of war crimes to the Croatian justice system and the unavailability of evidence and witnesses to the Croatian investigative authorities remain the main problems in prosecuting such crimes. Improving regional cooperation is a key element for further improvements in war crimes prosecution.

Reply to issue no. 16

164. Due to a lack of computerization of the organizational units (Central Office, penitentiaries, prisons, correctional institutions, the Centre for Diagnostics in Zagreb and the Education Centre), the Republic of Croatia does not possess consolidated statistical data indexed by gender, age, ethnicity and place of detainment (pretrial detention) for the period between 2009 and 2011. From 1 January 2012 to 31 December 2012, a total of 767 persons were held in pretrial detention, of whom 731 were male and 36 were female and their age structure is shown in annex III.

165. The Republic of Croatia does not possess the data on the dispersion of the aforementioned number of persons per individual prisons in which the measure of pretrial detention is implemented. Persons deprived of liberty, which includes persons held in pretrial detention, are not required to disclose their ethnicity. This information is therefore not required upon admission into pretrial detention.

166. In the period from 2009 to 30 September 2013, the competent civil service courts received three proposals for the initiation of proceedings for serious violations of official duties against officers on the grounds of torture and/or abuse of persons deprived of liberty. One case resulted in an acquittal, one case in a conviction and the third case is still being tried. The victim was offered compensation for consequential damages and the compensation was paid.

Reply to issue no. 17

167. In the period between 2009 and 2012, a series of activities were initiated and completed to increase the prison accommodation capacities, which contributed to the quality of the human rights of persons deprived of liberty. Among them were the following:

- In the Official Gazette, section International Agreements, of 14 November 2011, the Act on the Ratification of the Framework Loan Agreement, number F/P 1725 (2010) between the Republic of Croatia and the Council of Europe Development Bank for the Zagreb Prison Extension and Renovation Project. Preparations for the start of project realization are in course.
- In addition to the construction of a new facility at the Glina penitentiary, which became operational in May 2011 for the accommodation of 420 prisoners who are to serve their sentence in a closed type prison, an existing prisoner accommodation facility was completely renovated. Known under the name "boarding school", it is intended for the accommodation of prisoners in semi-open conditions within a

closed penitentiary, which enables better reclassification of prisoners. Pursuant to the Decision of the Ministry of Justice of 14 November 2012, which came into effect on 1 December 2012, a section for serving prison sentences in semi-open conditions was established at the aforementioned facility.

- The visitation facility at the Glina penitentiary was also fully renovated.
- In 2012, activities for the reconstruction of a part of the facility housing the prison were initiated at the Bjelovar prison. They will result in additional housing space for the accommodation of 15 prisoners, appropriate archive rooms and an improved kitchen area where the prisoners' meals are prepared, with auxiliary rooms for food preparation and storage. The value of the investment is approximately HRK 500,000.
- The Prison System Directorate at the Ministry of Justice was selected for the IPA TAIB 2012–2013 project entitled "Support to the prison system of the Republic of Croatia", with an allocated budget of approximately 4.69 million euros. The objectives of the project are to improve infrastructural conditions and lifelong learning of the employees of the Prison System Directorate at the Ministry of Justice, to improve the living conditions of the minors at the Turopolje correctional institution with the aim of aiding their rehabilitation and to computerize the Prison System Directorate.

168. In the period between April and September 2013, the health inspectors of the Ministry of Health performed four inspection controls at the Glina, Lepoglava and Turopolje penitentiaries and the Pula prison. The inspection controls are expected to continue in the future in other penal institutions, to be followed by reports on the implemented controls that will include proposals of measures to be taken.

169. Pursuant to the Amended Plan of Admission to Civil Service for State Administration Bodies, Professional Services and Offices of the Government of the Republic of Croatia for 2013, admission to the civil service was approved for 29 employees with university qualifications, 1 employee with two-year post-secondary school qualifications, 23 employees with secondary school qualifications and 3 trainees with university qualifications. Of the approved number of employees, there are plans to hire 7 general practitioners, 4 specialist physicians, and 5 medical technicians/nurses. The planned admission to the civil service of the aforementioned number of medical professionals would improve the quality of prisoner health care.

170. In addition to hiring more medical professionals, the amendments to the Healthcare Act and new provisions to the Act on Mandatory Health Insurance are being drafted. The aforementioned acts offer the Republic of Croatia the possibility to establish a health-care institution in order to provide health care for persons deprived of liberty. Such an institution may cover the prisoners' needs for a primary care provider, dental health care, specialist health care, hygiene and epidemiology, pharmacy and hospital treatment. With the adoption of the new Act on Mandatory Health Insurance, persons residing, or persons who have approved permanent residence, in the Republic of Croatia and who were deprived of liberty by a verdict of a competent court and are now residing in organizational units of the Ministry of Justice, will acquire the status of a mandatory health insurance policyholder.

171. An overview of statistical data on accommodation capacities and their occupancy in penitentiaries, prisons and correctional institutions for the period 2009–2012 can be found in annex IV.

172. In the period 2009–2013, the Republic of Croatia achieved substantial progress in regard to the implementation of alternative penalties. The previous alternative penalty implementation model enforced by commissioners was substituted with an alternative

penalty implementation model enforced by a professional probation service. All the required legislation and subordinate legislation was adopted in the aforementioned period (Probation Act, Ordinance on the Method of Conducting Probation Affairs, et al.) in order to define the notion of probation, as well as a series of issues relevant for its proper enforcement and implementation, and regulate all of the above with Croatian legislation. Pursuant to the Probation Act, probation affairs fall under the competence of the Directorate for Criminal Law and Probation at the Ministry of Justice which, in accordance with the regulations, is comprised of the Central Office and 12 probation offices throughout the territory of the Republic of Croatia.

173. The adoption of the legislation was immediately followed by the process of establishing a professional probation service, which was accomplished by providing appropriate facilities for probation offices, renovating and furnishing the said offices, hiring and training new personnel and, finally, starting the operations of the probation offices. Nine probation offices were established in the first half of 2011, the probation office in Varaždin was established in early 2012, and the probation office in Dubrovnik in January 2013. All the offices were supplied with IT equipment and furniture provided through the IPA 2008 project "Development of the probation services in Croatia". The project also financed the development of the software that supports the operative processes of probation, which greatly facilitates the activities and the professional training of probation officers.

Table 1
The number of verdicts imposing supervised probation sentences and community service, delivered in the period 2009–2012

Year the verdict was delivered	*Supervised probation sentence (delivered verdicts)*			*Community service (delivered verdicts)*			
	Gender			*Gender*			
	M	*F*	*M+F*	*M*	*F*	*M+F*	*Total*
2009	246	27	273	704	40	744	1 017
2010	182	17	199	855	37	892	1 091
2011	164	30	194	813	60	873	1 067
2012	212	23	235	899	66	965	1 200
Total:	**1 562**	**202**	**1 764**	**4 449**	**293**	**4 742**	**6 506**

174. The following table presents an overview of the basic indicators of success the probation service has achieved in the implementation of alternative penalties in the period 2009–2013.

175. According to the data shown in the table for 2012, an increase in alternative penalties is evident in comparison to 2009. In 2009 and 2010, alternative penalties were enforced primarily by commissioners. With the establishment of probation offices, the implementation of alternative penalties is gradually assigned to probation officers who fully replace the commissioners by mid-2012.

Table 2
Comparison of cases by status

Probation office	*Case status as of 31 December 2011*			*Case status as of 31 December 2012*		
	Number of	*Number of*	*Total*	*Number of*	*Number of*	*Total*

Bjelovar	12	21	33	155	71	226
Osijek	169	39	208	257	195	452
Požega	79	39	118	129	144	273
Pula	24	14	38	90	51	141
Rijeka	142	41	183	237	98	335
Sisak	23	29	52	113	56	169
Split	68	29	97	198	53	251
Varaždin	0	0	0	109	103	212
Zadar	0	0	0	85	24	109
Zagreb I	205	51	256	486	251	737
Zagreb II	138	24	162	200	144	344
Total:	**860**	**287**	**1 147**	**2 059**	**1 190**	**3 249**

176. When comparing the case status data for 2012 with the data for the previous year, it is evident that the total number of cases pending increased from 860 in 2011 to 2,059 in 2012, i.e. that by late 2012 the number of cases pending increased threefold in comparison to the previous year. By late 2011, the probation offices had been operational for little more than 6 months, except for Zagreb I, which started operations earlier, which accounts for the substantial increase in the number of cases pending per office. For example, on 31 December 2011, the probation office in Bjelovar had 12 cases pending, while at the same time the following year it had a total of 155 cases pending. This principle is also applicable to all other offices.

177. In addition to the increased number of delivered verdicts imposing alternative penalties, the establishment of the probation service enabled the implementation of other probation activities which had not been implemented before. In 2012, the following types of cases were assigned to the probation service: supervision of convicts released on parole, informing victims, monitoring compliance with obligations imposed by the State attorney's offices and drawing up reports for the courts.

Table 3

Number of cases filed in 2012 (without community service and supervised probation sentences)

Case type	*Number of cases*
Parole	62
Informing victims	292
Court reports	13
Compliance with obligations imposed by State attorney's offices	4
Total	**371**

178. The activities of probation officers in 2011 and 2012 also resulted in an increased number of finalized cases.

Table 4

Number of finalized cases in the period 2009–2012

Penalty type	*Finalized in 2009*	*Finalized in 2010*	*Finalized in 2011*	*Finalized in 2012*
Parole	0	0	0	5
Community service	294	250	277	707
Supervised probation sentence	37	140	166	241
Informing victims	0	0	0	169
Reports for the competent judge	0	0	0	4
Total	**331**	**390**	**443**	**1 126**

179. All the statistical data listed above show that the Republic of Croatia has established a modern, efficient and effective probation service, whose actions and results are the best indicator for justifying its existence.

Reply to issue no. 18

180. In the Republic of Croatia, the Ministry of Health, pursuant to the requests of competent county courts, designates health-care institutions for forced accommodation of persons with psychosocial disabilities who have committed an offence while in a state in which they cannot be held accountable for their own actions. In the period 2009–2013, a total of 336 persons were sentenced to forced hospitalization (per year: in 2009 - 87 persons; in 2010 - 66 persons; in 2011 - 71 persons; in 2012 - 66 persons; and in 2013 - 47 persons). The hospital accommodation capacity for the aforementioned category of patients is 361 beds in 4 regional psychiatric hospitals. Due to the decreased duration of accommodation, the occupancy of the said capacity has always been below 100 per cent in recent years.

181. Enclosed restraint beds (so-called "cage/net beds") are no longer used in psychiatric facilities, in accordance with the principles of prohibition of torture and inhumane or degrading treatment or punishment, protection of human dignity and the right to freedom and safety.

182. The Act on the Protection of Persons with Psychosocial Disabilities laid down mechanisms for the protection of mental health and the protection of persons with psychosocial disabilities in compliance with contemporary scientific findings and appropriate documents on the protection of human rights. The Act on the Protection of the Rights of Patients was also based on the aforementioned findings and documents.

183. The National Committee for the Protection of Persons with Psychosocial Disabilities makes unannounced visits to psychiatric institutions in order to inspect the conditions and methods of protection and treatment of persons with psychosocial disabilities. At least once a year, the Committee submits a report on its activities to the Minister competent for health and proposes measures for improving the protection and treatment of persons with psychosocial disabilities.

184. During the visits to the psychiatric institutions, the Committee monitors whether the human rights, freedoms and dignity of persons with psychosocial disabilities were respected, particularly in regard to the following:

- Prohibition of torture and inhumane or degrading treatment or punishment with regard to detailed rules of procedure for the use of physical restraints.
- Protection of dignity: in regard to protecting the dignity of patients, the institutions are required to have, provide for and implement detailed rules of procedure for

restraining persons; rules of procedure for the use of psychiatric medication; professional staff trained in techniques for the minimal use of force in restraining aggressive patients; participation of patients in research; protection from sexual abuse and mistreatment; educating the patients on the institution's rules of conduct; maintaining regular sanitary measures; ensuring heating; changing bed linen to maintain sanitary measures; maintaining sanitary facilities and providing daily personal hygiene of patients.

- Right to freedom and safety: special care is taken to provide the patients with information on their rights; information on the reasons for their enforced accommodation; rules of procedure for voluntary commitment; allowing the patients to write requests to initiate judicial proceedings; allowing the patients to file complaints in the event of dissatisfaction with the actions of health-care professionals or with the behaviour of another patient and informing the patient on the actions taken after the complaint was filed; freedom of movement of patients in indoor and outdoor hospital facilities; allowing the patients contact with their family and the social welfare centre.

185. During the inspections of psychiatric institutions, the National Committee for the Protection of Persons with Psychosocial Disabilities did not find that enclosed restraint beds (so-called cage/net beds) were in use in any of the institutions. UNICEF, Zagreb, informed the Ministry of Health that, during their 2011 visit to the special hospital for chronic illnesses of children in Gornja Bistra, they found that one child was being held in an enclosed restraint bed for children (children's bed with bars and cover). Based on those allegations, the National Committee performed an unannounced inspection of the said hospital and did not find that enclosed beds were being used to restrain patients. According to the Director of the institution, immediately upon receiving the warning from UNICEF during the visit, the covers were physically removed and their use was abolished.

186. In regard to alternative forms of treatment, such as community-based rehabilitation services and other forms of outpatient treatment programmes, relative to the implementation of the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, the aforementioned were included in the strategic documents of the health-care system. On 16 September 2010, the Government adopted the National Mental Health Strategy for the period 2011–2016.

187. The objectives of the Strategy are to set the guidelines for joint action in improving the existent successful measures and developing new methods of mental health protection in order to reduce the occurrence of mental disorders, increase uniform availability of quality and prompt treatment, rehabilitation and social inclusion of persons with mental disorders by strengthening their decision-making role in the said processes and all with the aim of increasing the personal satisfaction and health of citizens, reducing costs and fostering economic and social development. The priority axes of the Strategy are prevention of depression and suicide; mental health of children and youth; occupational mental health; mental health of the elderly; and combating the stigmatization and social exclusion of mentally ill persons.

188. In accordance with the Healthcare Act and the Network of Public Health Services, mental health protection and addiction prevention activities were introduced at county public health institutes. Every team is meant to include a psychiatrist, psychologist, nurse and various professionals of pertinent competences (special needs education professional, occupational therapist, social worker or social pedagogue) who have undergone further professional training in the fields of behavioural disorder prevention, psychosocial treatment, rehabilitation and re-socialization of the mentally ill.

189. The master plan for hospitals is currently being drafted and it will define the requirements of hospital accommodation capacities for the mentally ill, with the reduction of the number of beds, the orientation towards increasing the capacities of outpatient hospitals and developing community-based mental health services with the emphasis on the rehabilitation and social integration of the mentally ill. The master plan for hospitals is expected to be finalized in December 2013.

190. Moreover, within the framework of the preparations for financing projects from EU structural funds, the Croatian Association for Clinical Psychiatry of the Croatian Medical Association has submitted a project proposal entitled Developing a Network of Outpatient Programmes for Community-Based Mental Health (community-based rehabilitation) to the Ministry of Health and the project is currently being evaluated.

Reply to issue no. 19

191. The competent authority for identifying victims of human trafficking in the Republic of Croatia is the Ministry of the Interior. The Ministry of the Interior has initiated the provision of appropriate help and protection, or the regulation of their residence status in the Republic of Croatia and safe repatriation if the identified victim is a foreign national, to all identified victims of human trafficking.

192. During the immediate identification of victims, the Ministry of the Interior performs all appropriate actions in order to find the perpetrators of human trafficking, as well as the victims of such felony, whether they are found as illegal immigrants, engaged in forced prostitution or other forms of sexual or other exploitation, and the said persons are treated exclusively as victims for whom help and protection are immediately ensured.

193. Statistical data on human trafficking for 2009 shows that a total of six verdicts were returned against six perpetrators. In 2010 there were three convictions for five perpetrators and in 2011 there were five convictions for five perpetrators. In 2012 the courts returned three verdicts, two of which were final and one non-final.

194. The Republic of Croatia is a strong supporter and an active participant in all international activities directed towards the development of multilateral approaches in combating human trafficking. Numerous activities were implemented, showing efficient integration of international documents into the national system for combating human trafficking.

195. The Government adopted the National Plan for Combating Human Trafficking for the Period 2012–2015. The new National Plan covers all the areas from previous national documents on combating human trafficking, while the proposed measures and activities include the work experience of all competent State administration bodies, civil society organizations and international organizations. The new National Plan devotes special attention to further strengthening the cooperation between the State Attorney's Office and the Ministry of the Interior in criminal proceedings for human trafficking cases, improving the identification methods for victims of human trafficking and safeguarding the best interests of human trafficking victims.

196. Furthermore, the Republic of Croatia adopted three protocols, which are as follows: the Protocol for Identifying, Helping and Protecting the Victims of Human Trafficking (adopted 2008, amended 2010); the Rules of Procedure for Voluntary Repatriation of Human Trafficking Victims (2009); and the Protocol on the Integration/ Reintegration of Human Trafficking Victims (2011). Practical implementation of the aforementioned protocols showed their extraordinary effectiveness in working with human trafficking victims, especially with children.

197. Full application of the EU Strategy towards the eradication of trafficking in human beings and the Directive on preventing and combating trafficking in human beings and protecting its victims are of particular importance for the Republic of Croatia, as a full member of the European Union. Since the priorities of the Strategy are to identify, protect and help victims, prevent human trafficking, efficiently prosecute perpetrators of human trafficking, improve coordination and cooperation of relevant institutions and broaden the knowledge of measures for efficiently identifying human trafficking, the Republic of Croatia will, through the application of national documents and regulation, dedicate special attention to the aforementioned priorities.

198. In addition to prevention, education of target groups is a very important, non-repressive part of the overall strategy for combating human trafficking in the Republic of Croatia. In the previous implementation period of the National Plan for Combating Human Trafficking for the period 2009–2011, activities were systematically implemented in the Republic of Croatia with the aim of educating all target groups through seminars organized by competent State administration authorities and civil society organizations.

199. The measures and activities of the National Plan for Combating Human Trafficking for the period 2012–2015 also include the education of target groups. The Border Police Directorate at the Ministry of the Interior employs specially trained border police officers who are working on combating human trafficking, as well as police officers working on combating organized crime.

Reply to issue no. 20

200. In 2012 and 2013, the Republic of Croatia continued the implementation of the programme for reconstruction and repair of housing units damaged or destroyed in the war, as well as investments in public utility and social infrastructure, with the objective of completing the reconstruction programme and creating the conditions for a sustainable return of refugees in the areas affected by war.

201. A total of 149,609 housing units have been repaired or reconstructed through all the implemented models of reconstruction and repair of housing units damaged or destroyed in the war, for which approximately HRK 16.8 billion were allocated from the State budget.

202. The Republic of Croatia has fully implemented the Action Plan for an accelerated provision of housing care within and outside the areas of special State concern (ASSC) for refugees - former tenancy right holders (FTRH) who wish to return to the Republic of Croatia. Accordingly, the Republic of Croatia provided housing care for 4,915 families, former tenancy right holders, in the period 2007–2009.

Table 5
Implementation of the Revised Action Plan (RAP) – as per the milestones 2007–2009

	2007 milestone	*2008 milestone*	*2009 milestone*	*Total milestones 2007–2009*
Within ASSC	1 010	1 000	1 578	3 588
Outside ASSC	408	427	492	1 327
Total	**1 418**	**1 427**	**2 070**	**4 915**
% milestone execution	100	100	100	-

203. In addition to the 4,915 families included in the 2007–2009 milestones, the Republic of Croatia continued the implementation of the programme for the provision of housing

care for FTRHs and by 15 October 2013 it provided housing care for 401 FTRH families who were provided with available housing units (234 within ASSC and 167 outside ASSC), while the provision of available housing units (885 within ASSC and 308 outside ASSC) is in course for the remaining 1,193 families for whom the decisions establishing the address of their housing were issued.

Table 6
Continued provision of housing for FTRHs

	Within ASSC	*Outside ASSC*	*Total*
(a) Provided with housing care	234	167	401
(b) Positively resolved (provision of housing units in course)	885	308	1 193
Total resolved	**1 119**	**475**	**1 594**

204. On 4 April 2013, the Government adopted the Decision on providing housing care for returnees - former tenancy right holders outside the areas of special State concern - which set a new application deadline. The Decision entered into force on 18 April 2013 and, pursuant to the Decision, the application deadline was open until 31 August 2013. A total of 1,207 applications for housing care for former tenancy right holders outside the areas of special State concern were received within the deadline. A total of 289 applications for housing care within areas of special State concern were received in the same time frame.

205. Since the start of housing care implementation in 2001 until today, there have been a total of 17,779 housing care applications from former tenancy right holders within and outside areas of special State concern, 13,224 of which were administratively resolved (9,404 applications were approved, and 3,820 were denied), while the verification of eligibility for housing care is in course for the remaining 4,555 applications.

206. From the total of 9,404 applications which were administratively approved, housing units have been provided for 8,211.

207. From the beginning of the process of the return of refugees until today, a total of 354,685 returnees were registered in the Republic of Croatia, specifically:

- 221,405 returnees, former refugees, mostly from families of Croatian nationality
- 133,280 national minority returnees, mostly families of Serbian nationality (93,963 from Serbia, 14,362 from Bosnia and Herzegovina, and 24,955 displaced persons from the Croatian Podunavlje region).

208. There are still 955 persons with the status of displaced, returnee or refugee in the Republic of Croatia, specifically: 296 displaced persons, 565 refugees and 94 returnees. Of the total number of persons with the status of displaced, returnee or refugee, 488 are beneficiaries of organized accommodation.

209. Concerning the sale of apartments outside areas of special State concern to returnees who are former tenancy right holders, the State Office for Reconstruction and Housing Care received a total of 1,328 applications from former tenancy right holders for the purchase of apartments outside areas of special State concern. From the aforementioned number, 409 cases have entered finalization procedures, which require that State administration bodies, local self-government bodies and the beneficiaries submit all the documents required for the purchase application. From the cases whose applications were deemed incomplete and required amendments, appropriate documents were submitted in 116 cases, which are lacking only the certificates on the duration of refugee status.

210. Furthermore, as of the time of writing, two agreements of purchase and sale were signed, but in one of the cases the beneficiary party terminated the agreement.

211. In regard to property restitution, a total of 19,276 housing units were returned to their owners. As of the time of writing, owners are unable to take possession of 6 housing units because the temporary beneficiaries refuse to vacate the properties. The State Office for Reconstruction and Housing Care has taken all legal actions for which it is competent in the administrative proceedings for the eviction of said persons. Since the temporary beneficiaries did not comply with the eviction orders, the State Office for Reconstruction and Housing Care submitted the eviction orders and case files to the competent municipal State attorney's offices in order to initiate court-ordered eviction proceedings. Various stages of the judicial proceedings regarding the evictions are currently in course in all cases.

212. There are still a total of 6 cases of unauthorized investments. The Republic of Croatia initiated judicial proceedings on behalf of the owners in 6 cases in which the temporary beneficiary had invested funds in a housing unit. Such proceedings were initiated only in cases in which the housing unit was eligible for reconstruction and the total investments did not exceed the amount deemed sufficient for reconstruction.

213. In addition to the implementation of the national programme for housing care, the Republic of Croatia actively participates in regional processes aimed at resolving the remaining issues regarding refugees and internally displaced persons. The Republic of Croatia is therefore one of the four partner countries participating in the "Joint regional programme for finding durable solutions for refugees and internally displaced persons", a joint initiative of the partner States Bosnia and Herzegovina, the Republic of Croatia, Montenegro and the Republic of Serbia, based on the joint declaration signed by the Ministers of Foreign Affairs of the partner States on 7 November 2011 in Belgrade. The aim of the programme is to provide permanent housing for 74,000 persons, or 27,000 households, in the five-year period between 2013 and 2017, which will require an estimated 583.6 million euros of funding. The programme is comprised of 4 national housing programmes (Bosnia and Herzegovina, Republic of Croatia, Montenegro and Republic of Serbia). The programme is managed by the Council of Europe Development Bank (CEB), at which the Regional Housing Programme Fund was established. The Fund will allocate the contributions of donors to the partner States for projects within the frameworks of their national programmes. Within the framework of the regional housing programme, the Republic of Croatia coordinates the activities of the working group conducting the information campaign in the countries of the region.

214. During programme preparation, the Republic of Croatia planned to provide, through programme implementation, permanent housing for 3,541 families (8,529 persons) who are currently residing in organized accommodation centres or private accommodation. The persons in question are categorized as vulnerable refugees, former tenancy right holders, vulnerable returnees, or displaced persons. The funds planned for the realization of this plan amounted to 119 million euros, 25 % of which, or 29 million euros, would be contributed by the Republic of Croatia.

215. Considering the current contributions from donors which the Republic of Croatia has at its disposal (13.6 million euros), the State Office for Reconstruction and Housing Care proposed the realization of the following projects:

- First stage - construction of a residential complex in Korenica. The construction of 29 housing units is planned within the framework of the project. The total value of the project is 1,398,211 euros, of which 1,048,658 euros are allocated from the Regional Housing Programme Fund and 349,553 euros are contributed by the Republic of Croatia.

- Second stage - construction of two residential complexes in Knin. The construction of two residential buildings, each with 20 housing units, is planned within the framework of the project. The total value of the project is 3,108,924.30 euros, of which 2,566,305.06 euros are allocated from the Regional Housing Programme Fund and 911,793.18 euros are contributed by the Republic of Croatia.
- Second stage - reconstruction and improvements of the nursing home in Glina. The project will provide accommodation for 75 persons who are currently residing in organized accommodation. The total value of the project is 4,501,200.28 euros, of which 3,338,353.35 euros are allocated from the Regional Housing Programme Fund and 1,162,846.93 euros are contributed by the Republic of Croatia.
- Third stage - purchase of apartments. The project provides for the purchase of apartments within and outside areas of special State concern for persons residing in organized accommodation and former tenancy right holders. The purchase of ca. 101 housing units is planned within the framework of the project. The total value of the project is 5,717,140.00 euros, of which 4,287,855.00 euros are allocated from the Regional Housing Programme Fund and 1,492,285.00 euros are contributed by the Republic of Croatia.

216. The first and second stage project proposals have been approved and the third project stage is currently awaiting CEB approval. The start of the implementation of the first and second project proposal is expected in spring 2014.

Reply to issue no. 21

217. In regard to the outcome of the criminal proceedings regarding the attack on Dušan Miljuš, an investigative journalist at Jutarnji List, in June 2008, the Republic of Croatia would like to inform the Committee that criminal charges were filed on 10 June 2008 by the Zagreb Police Administration at the municipal State attorney's office in Zagreb against an unknown perpetrator for the felony of grievous bodily harm, pursuant to the provisions of article 99, paragraph 1, of the Criminal Code, committed against the journalist Dušan Miljuš. Several days later, the case file was transferred to the county State attorney's office in Zagreb because the felony charges were modified to attempted murder, pursuant to the provisions of article 90, related to article 33, of the Criminal Code and it was ordered that a police inquiry and a criminal investigation be initiated. In the course of the criminal investigation, the police performed a series of actions such as questioning of various persons, various expert evaluations, etc.

218. In late December 2010, the county State attorney's office in Zagreb received a special report from the National Police Office for the Suppression of Corruption and Organized Crime as an amendment to the criminal charges. Two more persons were charged as perpetrators: one was identified and one was an unknown perpetrator. A request for investigation was filed at the county court in Zagreb on 26 December 2010 and that same day the court ruled that the investigation be initiated and remanded the known suspect in custody pursuant to article 102, paragraph 1, items 2, 3 and 4, of the Criminal Procedure Act. A substantial number of witnesses were interrogated during the investigation, court-medical, biological and telecommunication expert evaluations were performed, as was a suspect identification parade.

219 On 4 July 2011, after the investigation had been concluded, the county State attorney's office in Zagreb stopped criminal proceedings against the known suspect since no reasonable doubt was established that the said person might have committed the felony in question. The National Police Office for the Suppression of Corruption and Organized

Crime (PNUSKOK) was instructed to continue with the criminal investigation with the objective of finding the perpetrator of the felony in question.

220. In regard to the outcome of the criminal proceedings regarding the attack on Stjepan Mesarić, reporter of the weekly *Međimurske Novine*, in June 2010, the Republic of Croatia would like to inform the Committee that misdemeanour charges were filed by the Međimurje police administration against the perpetrator, pursuant to the provisions of article 6, paragraph 1, of the Act on Misdemeanours against Public Order and Peace.

221. After criminal processing, the case was submitted to the municipal State attorney's office in Čakovec, which proposed an investigative measure (court-medical expert evaluation) to be performed. Upon the completion of the investigative measure, the municipal State attorney's office in Čakovec determined that this particular case involves the felony of physical injury, pursuant to article 98 of the Criminal Code, the proceedings for which are initiated by civil suit. The case was transferred to the municipal court in Čakovec, after it was established that Stjepan Mesarić's attorney initiated the criminal proceedings for the aforementioned felony by filing a civil suit.

Reply to issue no. 22

222. In regard to the protection of migrant children who are unaccompanied or separated from their parents, the Ministry of Social Policy and Youth implemented a series of activities for improving the protection of unaccompanied children who are foreign nationals. Having recognized the need to improve interdepartmental cooperation and raise the level of meeting the complex needs of unaccompanied children, the Ministry intensified cooperation with the Ministry of the Interior, the Ministry of Health and the UNHCR office. Three seminars were held in 2012 (in Zagreb, Split and Vukovar) for professionals working in social welfare centres, children's homes, the police and civil society organizations whose activities involve the protection of unaccompanied children. The objectives of the seminars were to familiarize the participants with EU legislation and directives, psychosocial characteristics, mental health consequences, cultural differences, the characteristics of unaccompanied children and current practice and experiences. The workshop related to the improvements in the existing Rules of Procedure for unaccompanied children (harmonized and signed in 2009 by the Ministry of the Interior and the Ministry of Health and Social Welfare) was of particular importance.

223. On 18 July 2013, the Government adopted the Rules of Procedure for children separated from their parents - foreign nationals. The objectives of the Rules are to establish a competent authority and the methods of procedure for identifying and providing help and protection to children separated from their parents who are foreign nationals, all with the aim of promptly and effectively safeguarding their rights and interests by facilitating their safe return, reconnecting them with their family, or providing care through integration into Croatian society.

224. Three seminars are planned to be held in November and December 2013 in Zagreb, Osijek and Split. The seminars will be held for professionals working in social welfare centres, social welfare homes for children without appropriate parental care and children with behavioural problems and the police, whose aim is to ensure the highest quality implementation of the Rules in everyday practice.

225. In accordance with the Family Act, the social welfare centre will appoint a special guardian for a child who is a foreign national and is found on the territory of the Republic of Croatia unaccompanied by a legal representative, in order to protect the individual personal and property rights and interests of the child. A guardian can be a person who has the characteristics and abilities required for guardianship and who consents to be a

guardian. In regard to entry, residence and accommodation of unaccompanied children in the Republic of Croatia, we point out that the largest number of children that enter the country and are provided with accommodation are in Zagreb, Kutina, Osijek, Rijeka and Split. In those areas, each unaccompanied child is promptly appointed a special guardian by the competent social welfare centre. However, due to the need to improve the protection of unaccompanied children and ensure professional training and conditions for professional personnel assuming the obligations of a special guardian, the Republic of Croatia plans to draft a list of special guardians for unaccompanied children and organize training for special guardians in early 2014. In accordance with the Rules, all unaccompanied children who are separated from their parents have the right to be assisted by an interpreter and to be provided with legal assistance.

Reply to issue no. 23

226. In relation to the implementation of the Action Plan for the implementation of the Constitutional Act on the Rights of National Minorities for the period 2011–2013, we emphasize that activities which have contributed to improving the protection of the rights of national minorities guaranteed by the Constitutional Act were implemented in all fields. The most substantial progress was achieved in those fields in which a high level of implementation of the Constitutional Act is regularly achieved: education in the language and script of national minorities; cultural autonomy of national minorities; realization of the religious rights of national minorities; representation of national minorities in representative and executive bodies of local and regional self-government units; implementation of the National Programme for the Roma and the Action Plan for the Decade of Roma Inclusion 2005–2015; and the field of developing tolerance for diversity and fighting discrimination.

227. In March 2012, the Minister of Public Administration adopted the Instruction for the consistent implementation of the Act on the Use of Languages and Scripts of National Minorities in the Republic of Croatia. Targeted monitoring is planned to be implemented in the second half of 2013 over the legality of operations and documents of bodies in all local units which are obligated to guarantee the right of national minorities to the equal use of languages and scripts of national minorities. Appropriate measures will be taken in accordance with the monitoring results.

228. In regard to ensuring adequate political representation and participation of national minorities at all levels of Government, we point out that adequate representation of national minorities was achieved at the parliamentary elections held on 4 December 2011, with the election of eight Members of Parliament who are members of national minorities. Of the eight elected Members of Parliament, three are from the Serbian and one is from the Roma national minority.

229. After the elections and by-elections of 2009 and 2010 electing the members of representative bodies of local and regional self-government units, deputy mayors of municipalities, mayors and county prefects, the representation of national minority members in representative and executive bodies of local units was fully achieved. The total number of national minority members who were elected to serve as members of representative bodies of local and regional self-government units is 584, of whom 447 are Serbian, 8 Bosnian, 17 Czech, 34 Hungarian, 5 Slovak, 5 Rusyn, 1 Ukrainian, 1 Albanian, 3 Roma and 63 Italian. Representation in executive bodies of local and regional self-government units was achieved in a total of 84 units. Members of national minorities were elected to serve as: 2 mayors and 19 deputy mayors, 8 mayors of municipalities and 47 deputy mayors of municipalities, and 8 deputy county prefects, of whom 51 are Serbian, 2 Bosnian, 2 Czech, 6 Hungarian, 1 German, 2 Rusyn, and 20 Italian.

230. The new Act on Local Elections introduced changes related to the issues of determining the representation of national minority members in the representative body of a unit, replacing a member of a representative body who is a national minority member and determining the representation of national minorities in the executive body. The Act further regulates the method of establishing the representation of national minorities in elections held for representative bodies.

231. The Office for Human Rights and Rights of National Minorities continuously implements activities aimed at strengthening the role of national minority councils and representatives. In 2013, three seminars were held on the role of national minority councils and representatives and on how to improve their activities.

232. In November 2011 the register of national minority councils, coordinations of national minority councils and representatives, and national minority representatives was established, the registration procedure was opened for all entities eligible for registration and certificates were issued based on registration applications. In mid-March 2012, the Act on the Amendments to the Act on the Register of National Minority Councils, Coordinations of National Minority Councils and Representatives, and National Minority Representatives was adopted because the previous application of the Act on the Register indicated there were certain difficulties, complexities, unevenness and slowness in the implementation of the required registration procedure of eligible entities. As of 31 May 2013, a total of 243 national minority councils, 145 national minority representatives and 8 coordinations of national minority councils and representatives are registered in the aforementioned registry and they have all been issued registration certificates.

233. At the elections for national minority councils and representatives held in July 2011, 143 councils and 24 representatives of the Serbian national minority and 17 councils and 11 representatives of the Roma national minority were elected.

234. With the aim of addressing the issue of the lack of funds, which is most prominent in national minority councils and representatives in economically underdeveloped self-government units, in October 2012 the Government adopted the Decision on financing the programmes of national minority councils and representatives in 2012. Pursuant to the Decision, a total of 74 national minority councils received funding in the amount of HRK 3,700 and 23 representatives received HRK 1,200. A total of HRK 301,400 was allocated for the aforementioned aim.

235. On 21 December 2012, the Office for Human Rights and Rights of National Minorities, in cooperation with the National Minority Council, organized a gathering in the small council hall of the Croatian Parliament to commemorate the tenth anniversary of the adoption of the Constitutional Act on the Rights of National Minorities.

236. In regard to the Roma national minority, we highlight that a representative of the Roma national minority was elected to the Croatian Parliament for the second time at the parliamentary elections held on 13 December 2011. In addition to representing the Roma national minority, the said Member of Parliament is the elected representative of 11 other national minorities. Moreover, 17 councils and 11 representatives of the Roma national minority were elected at the elections for national minority councils and representatives held on 10 July 2011.

237. The members of the Roma national minority also actively participate in the bodies of the Government. Members of the Roma national minority were members of the Committee for Monitoring the Implementation of the National Programme for the Roma, the Working Group for Monitoring the Action Plan for the Decade of Roma Inclusion 2005–2015 and the committee that presided over the Decade of Roma Inclusion. At the session held on 4 July 2013, the Government adopted the Decision on establishing the Committee for Monitoring the Implementation of the National Strategy for Roma Inclusion 2013–2020

and appointed new members of the Committee, some of whom are members of the Roma national minority.

238. In regard to the measures taken to ensure that the administrative procedures and legislative provisions on citizenship do not disadvantage persons belonging to national minorities, we emphasize that, pursuant to Croatian legislation, all foreign nationals may acquire Croatian citizenship through naturalization under regular conditions, as laid down in the Croatian Citizenship Act, or under more favourable conditions (so-called privileged naturalization). Any legally interested foreigner (person who does not have Croatian citizenship), regardless of his/her nationality, may apply for Croatian citizenship. The only criterion for acquiring Croatian citizenship is to meet the legal requirements laid down in the aforementioned Act. The rule of law is ensured in such a way that the State bodies competent for the procedures of acquiring Croatian citizenship act in accordance with the governing process principles of legality, material truth, protecting citizens' rights, providing help to uninformed applicants and facilitating the filing of legal remedies. The control of the legality of administrative acts, on the basis of which the requests for Croatian citizenship are decided, is provided through administrative disputes. An applicant may appeal against the decision on his/her request for Croatian citizenship by filing a dispute at the competent administrative court within 30 days from the day of receipt of the decision.

239. Pursuant to the Croatian Citizenship Act, legally competent adult foreigners may regularly acquire Croatian citizenship if they are proficient in the Croatian language and Latin script and are familiar with the Croatian culture and system of Government; they have continuously lived and had a registered residence in the Republic of Croatia for at least 8 years; they submit proof of dismissal from foreign citizenship; and they respect the legal order of the Republic of Croatia. Moreover, numerous legislative provisions facilitate the acquisition of Croatian citizenship under more favourable conditions. Croatian citizenship may be acquired under such conditions by a spouse of a Croatian citizen, an emigrant, a minor whose parents acquired Croatian citizenship by naturalization, a foreigner whose acceptance would be of interest to the Republic of Croatia and his/her spouse, a person who has requested and received dismissal from Croatian citizenship and a person who belongs to the Croatian people and has no domicile in the Republic of Croatia. All persons applying for Croatian citizenship under the aforementioned legal grounds are not required to be proficient in the Croatian language, the Latin script, Croatian culture and system of Government and they do not need to obtain dismissal from their current citizenship.

240. The Act on the Amendments to the Croatian Citizenship Act came into force on 1 January 2012. The amendments laid down more favourable conditions for the acquisition of Croatian citizenship for returnees to the Republic of Croatia. Persons who had a domicile in the Republic of Croatia on 8 October 1991 and were granted permanent residence, fulfil the requirements for the necessary length of residence on the requisite legal grounds for the acquisition of Croatian citizenship by naturalization. The said category of foreigners can therefore acquire Croatian citizenship under favourable legal requirements for the length of residence if they fulfil other legal requirements and have not yet regulated their Croatian citizenship. The conditions for realizing their rights for permanent residence in the Republic of Croatia are also more favourable for the said category of foreigners, since they need not meet the precondition of continuous approved temporary residence in the Republic of Croatia for five years.

241. In regard to the members of the Roma national minority, and in accordance with the National Strategy for Roma Inclusion 2013–2020, the chapter pertaining to resolving status issues, fighting discrimination and helping the Roma national minority realize their rights, emphasized the need to raise awareness of the importance of population registers and citizenship statuses. Their cooperation with not only State administration bodies, but also their own representatives in national minority associations, political parties or non-

governmental bodies is highly encouraged. The Ministry of Foreign and European Affairs continuously communicates with diplomatic and consular offices of other countries in order to perform necessary verifications or aid in obtaining documents from other countries. The Ministry of the Interior provides all the required legal aid to this category of foreigners and helps them regulate their residence on the territory of the Republic of Croatia, which is a precondition for the acquisition of Croatian citizenship on numerous legal grounds. Within the framework of legal requirements, the Ministry gives priority to the implementation and finalization of the administrative proceedings for acquiring Croatian citizenship and this will continue in the future. Special records are kept on the applications for Croatian citizenship submitted by this category of foreigners and the status of the applications is monitored.

Reply to issue no. 24

242. Complying with the judgement of the European Court of Human Rights in the case of *Oršuš and others v. Croatia*, the Republic of Croatia has implemented specific measures in compliance with the aforementioned judgement, which have proved to be effective in removing the established violations of the Convention. The Republic of Croatia notified the Committee of Ministers of the Council of Europe about the implemented measures on several occasions with so-called Action Plans of the Republic of Croatia on the progress made in implementing the judgement. The Action Plans contain all the information on the steps taken in implementing the judgement until the time of writing and they are available at the link below to the Council of Europe, Department for the Execution of Judgements of the European Court of Human Rights: http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=Orsus&StateCode=&SectionCode.

243. In March 2012, the Committee of Ministers of the Council of Europe concluded that the Croatian authorities had implemented numerous measures with the aim of resolving the issues of poor school attendance and high drop-out rates of Roma children, as well as raising the awareness of the Roma population of the importance of education.

244. We particularly highlight that, upon becoming final, the judgement in the case *Oršuš and others v. Croatia* was subject to so-called enhanced supervision by the Committee of Ministers of the Council of Europe, which involves more frequent and stricter supervision of the methods national authorities employ in implementing the judgement. However, in December 2011, after the submission of the third action report, the Committee of Ministers decided that it would supervise the further implementation of this judgement under standard supervision. The transfer from enhanced supervision to standard supervision is a great success for the country because the Committee of Ministers made such a decision following a positive evaluation of the efforts the Croatian authorities had expended on fulfilling the international commitments of the State pursuant to article 46, paragraph 1, of the Convention.